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THE LATE INSURRECTIONARY STATES.

ALABAMA.

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THE KU-KLUX CONSPIRACY.

This report consists of thirteen volumes.

Volume I contains the report of the committee and the views of the minority.

Volume II contains the testimony taken by the committee in relation to North Carolina, and the report of the trials in the United States circuit court held at Raleigh, North Carolina.

Volumes III, IV, and V contain testimony taken by the committee in relation to South Carolina, and the report of the trials in the United States circuit court held at Columbia, South Carolina. Index to the three volumes is contained in volume III.

Volumes VI and VII contain testimony taken by the committee in relation to Georgia. Index is contained in volume VI.

Volumes VIII, IX, and X contain testimony taken by the committee in relation to Alabama. Index is contained in volume VIII.

Volumes XI and XII contain testimony taken by the committee in relation to Mississippi. Index is contained in volume XI.

Volume XIII contains miscellaneous testimony taken by the committee, testimony in relation to Florida, and miscellaneous documents.

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TESTIMONY.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

ALABAMA.

WASHINGTON, D. C., *June* 2, 1871.

WILLIAM MILLER sworn and examined.

By the CHAIRMAN:

Question. In what part of the State of Alabama do you reside?

Answer. At present I live in Mobile; but for many years I lived in Greene County. I went to Mobile about the 1st of May, 1869, as collector of the port. I lived in Greene County from 1836 up to that time, with the exception of a few months in winter in Mobile at my office there.

Question. Give us, from your own personal knowledge and observation, a statement of the condition of affairs in that part of the State with which you are acquainted, so far as relates to the security of life, person, and property, up to and since the passage of the law for the enforcement of the fourteenth amendment, sometimes designated as the Ku-Klux bill.

Answer. I presume I might begin back immediately after the war, or perhaps from the passage of the reconstruction laws.

Question. It is not the desire of the committee to go very far back. You can give us a statement of the condition of things existing now and for a year preceding the passage of that bill.

Answer. There was a great deal of excitement at the time of the election in February, 1868, and the republicans were generally deterred from voting at all at that election. It was the first election after the constitution of Alabama was framed, the election for the ratification or rejection of that constitution. I was at Eutaw then, and actively engaged in distributing tickets. The tickets were several times jerked out of my hands, and at one time my hat was jerked off my head and dashed on the ground by a rowdy. One man shook his fist in my face and cursed me, and he was told by several persons to "shoot the damned rascal." I obtained my commission as judge of probate and entered upon the office in 1868. When I presented myself in Eutaw to enter on the duties of my office, the old occupant of the office, who had obtained the advice of counsel, informed me that I could not get in without military aid. I telegraphed to Governor Smith, and on Thursday evening some soldiers came over there. They sent for me to the place where I lived, some distance from Eutaw, and I went down. The court-house was near about shut up; there was one piece of a window open.

Question. Do you refer now to the time when you went to take your seat as judge of probate?

Answer. Yes, sir.

Question. Was this resistance made to your taking your seat?

Answer. As a matter of course it was.

Question. On what ground?

Answer. That no radical should take it; that the reconstruction laws were unconstitutional, null and void, and that the people were not going to submit to them.

Question. Who made that statement?

Answer. The attorneys, Mr. Morgan and Mr. Jolly, told me I could not get it; and they sent up a long protest to Governor Smith in which they stated that I was illegally elected.

Question. Was there a contest about your election?

Answer. There was no contest further than I beat the man who ran against me, the man then in possession of the office, Judge Oliver.

Question. Was there any proceeding to test the validity of your election?

Answer. None whatever; none at all.

Question. You did take your seat?

Answer. Yes, sir; with the military there putting me into it. The military authorities put me in it, and I held it seemingly with some quiet after a few days. About the 1st of September, 1868, or near that time, I went down to Eutaw, on a Monday, about 11 o'clock. When I got there I found a large flag swung from a tree opposite the probate office to the tavern, with a picture on it something like the caricatures in Harpers', and the words "Miller, Yordey & Company." Mr. Yordey was there as the agent of the

Freedmen's Bureau. It so happened that no tavern would board Yordey, and he and I and a man named Boyd (who was acting as solictor of the county, and who was killed after a while) rented a house and kept bachelors' hall. Yordey could not get board at any tavern there, but I could. On this particular Monday, about 3 o'clock, there was a great deal of noise, of cursing and swearing, about there among the drinking class. I could hear them cursing Judge Miller, and swearing that "Judge Miller should go back." I proposed that we should shut up the office and go home. Mr. Boyd and myself went out of different doors, each locking the door he went out of. We walked about one hundred and fifty yards from the house, when a man by the name of Hamblett came up on a horse. He had a stick and made a great deal of threatening about killing Boyd, but none about killing me. He threw his stick ahead of us, but some one came up and took him back. At the same time Boyd said "I think I had better take out my pistol and kill that fellow." I said "No; we will not do any such thing." I had no pistol, but I had a double-barreled gun at the house.

Question. For what reason was this assault made on you and Mr. Boyd?

Answer. No reason that could be imagined, except that we were willing to take the offices to which we had been elected.

Question. Did you institute proceedings against these men?

Answer. I went before the grand jury, when the court met, and made the statement there that I make here. If anything was ever done I do not know of it.

Question. Did you go to any committing magistrate and ask for a warrant?

Answer. There was no magistrate, or sheriff, or coroner, or any other civil officer there at that time, except myself. When they found I was not to be driven off in any way without killing me, they let things quiet a little, until about the middle of October, perhaps, when Senator Warner and Major Hays came to make speeches there, and they assaulted them and would not let them speak. They did not strike them, but went up to them and shouted and made noises and would not let them speak. Some of the conservative democrats and myself conferred with them, and the result of the conference was that we concluded somebody would be killed if the speaking went on; and the Senator did not go back and speak at all. I took him down to my house to dinner, and he left.

Question. Was that because of any objection to the persons who were to speak, or was the determination expressed that no one should speak?

Answer. I was really not much in the crowd; I conversed mostly with those who were sent to confer with me. So far as I could make out, the expression was that no damned carpet-bagger should be allowed to speak there; that was about the substance of it. Mr. Cockrell, who has been beaten since, made a kind of conciliatory speech to them, trying to reconcile them, but they would not hear of it. In 1869 no violence was offered to me, so far as I know. But I heard a rumor, I could not say how true it was, that a negro was killed, perhaps in February. No one was arrested for it. On the night of the last of February, perhaps, a negro man of the name of Nelson Harris was ordered to jail, under a bond of a thousand dollars. I was asked to go his security, and would have done so, but for the fact that I thought I would not be safe if I did so. The deputy sheriff left him in charge of a constable. My house was about two hundred or three hundred yards from where he was. About 9 o'clock that night some man came to my house and told me that Nelson Harris was taken off. I went down to ascertain the particulars about it, but no one could tell me anything. That same night a man by the name of Palmer was killed in Eutaw. On the Monday following they had an investigation of the killing of Nelson Harris. He was carried about three miles from Union and castrated, as was shown by the parts found, and he was then shot and thrown into the creek. Palmer was a democrat, and was killed there by some of them in a kind of lawless melée. The morning after Harris was killed Sam. Colvin, a negro man, informed me that he saw a man put Nelson Harris on a horse; but when he went before the grand jury he did not know anything about it.

Question. What was the reason assigned for killing Harris?

Answer. They said he had been too intimate with some white woman.

Question. Were there any legal proceedings consequent upon it?

Answer. Yes, sir.

Question. Was any person brought to justice for the offense?

Answer. For killing Harris?

Question. Yes, sir.

Answer. No, sir; no one was arrested.

Question. What were the legal proceedings?

Answer. A coroner's jury sat, under the immediate supervision of the sheriff himself. A day or two after that, perhaps on the same day, I issued a warrant for the arrest of the party who it was supposed killed Palmer. I think they knew who that was. He was a democrat, by the by; I suppose that had something to do with the affidavit. On the 19th of December, a year ago, a man by the name of Sam. Snoddy was at Union. He left there, between 8 and 9 o'clock, to go home on foot. The next morning he was found, about a mile and a half from there, with his throat cut and his head

cut nearly off. That is one of the occurrences I know of myself. On that day and the next day a great deal of investigation was made, in a private way. I started for Mobile on Tuesday; the investigations were being made on Sunday and Monday. I do not know that any result had been arrived at when I went away. A man by the name of Caldwell, a black man, with whom Snoddy had taken a cup of coffee after he left the village of Union, was suspected of killing him. What led to the suspicion was, that a boy named Henry Miller, who once had been my property, had reported to some one that he saw him on Sunday washing some bloody clothes. They were both arrested and bound over. They got out of jail somehow. Sam. Colvin, a black man, was the reputed father of Sam. Caldwell. Sam. Colvin was also arrested on suspicion of being accessory to the murder of Sam. Snoddy. It is said (I do not know this of my own knowledge) that he had said to some one—

Question. Please confine your testimony, as much as possible, to your own personal knowledge.

Answer. Very well. At any rate, after these men got out of jail—that is, Henry Miller and Sam. Caldwell—Henry was found dead a few days after that; Sam. Caldwell was never found, that I know of. Sam. Colvin, who was living on my place, was arrested, and a young man who was in my employ went with the man who arrested him. The young man who was clerking with me left about 9 o'clock. The next morning Sam. Colvin was found hung to a tree, about three or four miles from there, with sixteen bullet-holes in him. No one was arrested for that. This brings me to March, 1870. Mr. Boyd, my nephew, was prosecuting attorney in Eutaw. On the night of the last of March his room there was entered, and he was killed. It was said he was killed because he said he had found out who killed Sam. Colvin. In fact, in a communication to me he informed me so. James Martin was also killed the same night, about fourteen or fifteen miles above Eutaw, and in the immediate neighborhood of Union; he was a colored man. James Carpenter was killed in October, 1869, perhaps; nobody was prosecuted for killing him; he was a democrat, however, and was supposed to have a great deal of money; I presume he did have. Another Carpenter was killed in 1869, in a fracas in Clinton, and there was a man prosecuted for that.

Question. Was he convicted?

Answer. I do not think he is tried yet.

By Mr. VAN TRUMP:

Question. The trial is still pending?

Answer. Yes, sir; those are all the murders I recollect and have a personal knowledge of; I have heard rumors of others.

By the CHAIRMAN:

Question. You have mentioned the names of several persons who were killed; was the killing of those men the mere acts of the individuals committing the crimes, or were they traceable to any organization for the purpose of overthrowing or defying the laws?

Answer. So far as the murder of Harris was concerned, I am inclined to think that about five or six persons were there to take him off. The parties who had him in charge said those persons came in with their faces blacked, or were black men. As to the murder of Boyd, I was not there, and, of course, I cannot say of my own knowledge. But I was told that there were about twenty-seven disguised men in Eutaw. As to the murder of Jim. Martin, which was on the same night with that of Boyd, the man at whose house Martin lived, and who run off to save his own life, said there were four or five men, and that they shot at him several times as he run out of his house when they came up, but he was not struck. He had on his shirt and drawers, I suppose. Nobody was prosecuted for any of these murders, except for the murder of Snoddy, and of one of the Carpenters, I think.

Question. What was the reason there was no prosecution against any of the others?

Answer. I am not able to tell you, except one thing, and that I do not know to be true; the want of disposition on the part of the officials there to discharge their duties. I know if I had been probate judge there at that time, there would have been prosecutions against them of some kind.

Question. Was there any lack of disposition in the courts to proceed, where the cases were brought before them?

Answer. There is one circumstance I have not told you: in October or November, 1869, I was up there attending court, and one of these men, who had been suspected of this kind of thing, came to my store and commenced denouncing me; I told him he was as guilty as I was. He was a much larger man than I am, and came up to me and struck me two or three times, and knocked me on the counter. I made a report of it to the grand jury myself; and I know of two other witnesses who went in and said they swore to it.

Question. What is the general state of security for person and property in the county of which you have been speaking? We desire to ascertain more particularly the state of things existing at this time.

Answer. Of course, I am not much there now, and I do not know whether I ought to tell you what I do not know personally.

By Mr. POOL:

Question. Did all those murders of which you have spoken occur in the same county?

Answer. Yes, sir.

By Mr. VAN TRUMP:

Question. What is the distance from Mobile to Greene County?

Answer. About one hundred and ninety miles; perhaps one hundred and eighty miles to Eutaw. I call it about one hundred and ninety miles to my place, which is ten or twelve miles above Eutaw.

By the CHAIRMAN:

Question. Have you a sufficient knowledge of the state of things in that county now, to be able to speak of the degree of security for person and property at this time?

Answer. I do not know that I have, only from information and a little occurrence that happened in my presence and to myself. I will go back again until August or September, 1869. My family had not moved down to Mobile at that time; I went up to make some settlements in the probate court that I had to make as administrator, and to take my family down. On the Tuesday night that I was up there, there was a crowd of men about my place; I heard them cursing and threatening to shoot; I did not get up at all, but I heard my name mentioned; and some black men afterward told me that they were disguised.

Question. That was in 1869?

Answer. Yes, sir; but I am coming now to 1870. I happened to be at Eutaw at a meeting that was advertised by the republicans to discuss politics; Senator Warner, ex-Governor Parsons, Governor Smith, and, if there was room, perhaps Major Hays was to have addressed the meeting; the first three I am certain about, the other I am not so sure about. I went there about 10 o'clock in the day; soon after I got there, it was suggested, either by myself, Judge Davis, Sam Brown, Sam Cockerill, or Major Hays, for we were all together, and I cannot say positively which one the suggestion came from, that some one should go and see one of the leading conservative men there, and arrange some manner of holding a discussion. The democrats had advertised a meeting at the same time and place. I went with Mr. Brown to see Dr. ———, and he said he had no control over the matter, but would mention it to the democratic club there. After some time he said the democratic club would receive a communication in writing from us; I wrote the communication myself, and it was substantially this:

"*To the President of the Democratic Club:*

"We propose to appoint a committee of two to confer with a committee on your part of two, to arrange terms of discussion to-day."

That was signed by William Miller, Charles Hays, and Sam Cockerill. That was handed at once to Mr. Morgan, who, I found out afterward, was the president of the democratic club. Mr. J. J. Jolly and Mr. J. G. Pierce were appointed a committee to meet us in the office of the circuit clerk of the county. Their reply was substantially that the committee appointed by the democratic party of Greene County declined to make any arrangement for a discussion, believing that the issues as to men or measures in that canvass were not debatable. About that time the democrats commenced their discussion on the north side of the court-house, on the fence of the public square, which is, perhaps, twenty yards from the court-house, on some steps to pass over the fence. I remarked then that if there was to be any discussion it would be as well to commence and determine where they would begin, and a box was put out on the south side of the court-house.

Question. While you were conferring about holding a joint discussion, the democrats met and organized their meeting separately for speaking, but not for a joint discussion.

Answer. Yes, sir; a separate meeting, but not for a joint discussion. In perhaps twenty minutes after that, perhaps a little longer, Senator Warner commenced his speech. I had been called over to the tavern on some business, in the internal revenue collector's office, perhaps. I came back through the aisle of the court-house, which was full of young men whom I did not know. My hat was tipped up and knocked about as I passed along through the aisle. I got to the circuit clerk's office and sat down where I could see and hear Senator Warner through the window.

Question. How near was the meeting he was addressing to the other meeting?

Answer. The court-house was sixty or eighty feet wide, I should think; the two meetings were, perhaps, one hundred and fifty feet from each other.

Question. One meeting was on one side of the court-house, and the other was on the other side.

Answer. Yes, sir. There was a considerably noisy and turbulent spirit manifested

during Senator Warner's speech, and he was very often interrupted and ordered to go back where he came from. Some said they did not want any damned carpet-bagger there, and called him a damned liar a great many times, I could not say how many. He finished his speech, however, and then Governor Parsons commenced to speak. I remained there about an hour, when I caught sight of Major Clark, whom I had gone down there to see mainly on that particular day. He told me that we could not fix our business, and I then remarked that I would go home. I really thought the discussion was about over. Immediately Governor Parsons commenced speaking the democrats adjourned their meeting altogether, and the bulk of them went around on the other side of the court-house.

Question. Were you there when the disturbances commenced?

Answer. I was not. I was going on to tell you that I left there about half past 2 o'clock, I guess; went to the tavern and paid my bill, and went down to the stable and ordered my horse put in my buggy. I had just got in my buggy when I heard the firing commence, and my horse took a notion that he would go a little faster than I was used to, and it took me some little time to stop him.

Question. Did you see the firing?

Answer. No, sir; I did not. I was there again in a few days, but no attack was made against me then. I went there again about the last of November, or the first of December. I got down to Eutaw on Sunday night and staid all night, and then went down to Finch's Ferry to my place. I was told on the way, by a friend of mine, that I had better look out. I said, "I apprehend there is no danger here now." About 12 o'clock Mr. Smith and myself, Mr. Smith was then superintendent of schools in Greene County, and had an order from the State auditor upon the tax collector of Greene County for about $3,700. That was put in my hands. It was about this time that the assault was made upon Mr. Burton, I presume? I had seen my wagon pass with some baggage toward the depot; when it had got about three hundred yards from the court-house, I started with a heavy valise, an overcoat, a shawl, a walking-stick, an umbrella, and a large bundle of flowers; I know I thought I had all the bundles I could possibly manage to carry. I thought I heard some man coming, and I cast my eyes around and saw a man by the name of Reynolds. He was up very close to me, and as he came on he said, "You God damned old rascal." Just about that time his stick, a hickory stick, about as thick as my thumb, came down upon my shoulder with such force that, with the load I was carrying, I was nearly thrown off the side-walk. He followed up that blow with others. I thought there were four altogether, but afterward I found five marks. He said, "God damn you, if you ever tell of this I will kill you." There were several there who saw it all. I went down to the depot and got on the cars and went away, and did not know that Mr. Burton was hurt till sometime after I got down to Mobile.

Question. Was this assault upon you because of your political opinions, or was it merely the act of a violent and lawless man?

Answer. Mr. Reynolds, while he was striking me said, "You told Reuben Weaver that I tipped your hat." I did tell Reuben Weaver so, and I tell you now, to the best of my knowledge and belief, he did do it.

Question. And this assault upon you was on the ground that you had made that statement about tipping your hat?

Answer. Yes, sir; but the tipping the hat was before that.

Question. Was it from the surging of the crowd?

Answer. There was no surging at all. There was plenty of room, but considerable disposition not to let a republican pass.

Question. Did you institute any legal proceedings against him?

Answer. I did not.

Question. Why not?

Answer. I did not think I would be allowed to go to Eutaw, where I had considerable business, if I did so. I still have some business there to attend to. I did not go there two or three weeks ago, when I had a little case in court, but let it go by default, believing that it would not be safe for me to go there.

Question. What was there to justify such a belief?

Answer. The fact that such a man as Mr. Cockrell can be beaten on a steamboat, without any protection; the fact that Mr. Burton was knocked down and left for dead, as they thought; the fact of this unprovoked assault upon myself; the fact of the assault on me the year before, and that I went before the grand jury and could get no redress.

Question. You give those facts as justifying the apprehension that you could not, with safety, go to Eutaw and institute a prosecution?

Answer. I dare say I could go there and institute proceedings, but attending to it would be another thing.

Question. Have you attempted in any instance to institute a prosecution for offenses of the character you have mentioned?

Answer. Only in the Richardson matter.

Question. Your account has now come down to October or November, 1870.
Answer. Till December, 1870.
Question. Have you since then been in Greene County?
Answer. I have.
Question. What is the condition of things there now?
Answer. I was there in December last, I was there in January last, and I was there on the 6th day of March last. I was not assaulted either of those times.
Question. Is there now any disturbance of the public peace in Greene County by lawless men, or has there been since January, 1871?
Answer. None to my knowledge. I have here a letter from Mr. Cockrell, which I received last night.
Question. He gives you an account of facts within his knowledge?
Answer. Yes, sir.
Question. You need not read the letter. Have you sufficient knowledge of the state of affairs now in that community to enable you to state whether life, liberty, and property are secure with the present administration of the laws?
Answer. Only from hearsay. I am satisfied that I can go there, if I would not say a word to any one, and should not meet one of two, or three, or four rowdies, and I might pass along safely. But I am satisfied if I was to meet any one of them I would not be safe.
Question. When you speak of "rowdies" do you refer merely to persons of a lawless disposition, who would assail anybody where there was sufficient motive for it?
Answer. I do not think they would assail anybody but a republican.
Question. Are we to understand you as wishing to convey the idea that these assaults and murders of which you have spoken have arisen out of political causes?
Answer. I think the bulk of them have; some of them I dare say have not.
Question. Has the passage of the bill for the punishment of these unlawful assemblages had any effect yet, to your knowledge?
Answer. I have no knowledge of what the effect has been there; none at all.

By Mr. BLAIR:

Question. For what offense was Snoddy killed?
Answer. He was not a republican; he was one man killed not for political effect.
Question. It was supposed that he was killed by Caldwell?
Answer. Yes, sir; he was supposed to have been killed for some money he had.
Question. Miller and Caldwell, who killed him, were negroes?
Answer. They were negroes. The idea seemed to come out in the testimony that Caldwell was alone in the killing, but that Miller knew of it, and tried to get him away.
Question. He was killed, it was supposed, for his money?
Answer. That is what the idea was at that time.
Question. Those men who killed him were afterward killed themselves?
Answer. They were got out of jail somehow, after they were bound over and put in jail.
Question. Did they escape?
Answer. Henry Miller did not escape.
Question. How did they get out?
Answer. That is a question I am not able to answer.
Question. They got out somehow?
Answer. Yes, sir.
Question. And were afterward killed?
Answer. Miller was killed; Caldwell has not been heard of since.
Question. Was it supposed that they were killed because of their murder of Snoddy?
Answer. Yes, sir.
Question. Snoddy was a democrat?
Answer. Yes, sir.
Question. These others were negroes?
Answer. Yes, sir.
Question. By whom were they killed? Was there any suspicion upon any person?
Answer. Yes, sir, a great deal of suspicion.
Question. Who were suspected.
Answer. There was a young man who was at my store, who said he left Sam Colvin and Henry Miller at two different times, within two or three days of each other, though, in the hands of a man of the name of McGraw, who was a constable, and a man of the name of Kyle.
Question. You say Caldwell was never heard of?
Answer. No, sir; there was a skeleton found in the neighborhood supposed to be his.
Question. When last seen he was in the hands of an officer of the law?
Answer. No, sir.
Question. Well, Miller was.
Answer. Not in the hands of an officer of the law.

Question. In the hands of a constable?

Answer. He was a constable, but did not pretend to be after them as a law officer at all.

Question. What did he pretend to be?

Answer. Just as the others were. One man of the name of John Brown presented a pistol to the negro man, Henry Miller, and said, "I would like to kill you—just shoot you off that block." Miller was then under bond, but was out of jail somehow.

Question. You do not know how he got out of jail?

Answer. No, sir; not to my knowledge.

Question. How do you suppose he got out?

The WITNESS. Would that be testimony?

Mr. BLAIR. As much as the balance of it.

The WITNESS. I think I have told some things I know.

The CHAIRMAN. If General Blair wants an answer to his question, you can give it.

The WITNESS. Well, my impression is, that he got out through the agency of men who did not want to allow him to come to trial.

By Mr. BLAIR:

Question. If it was supposed that they were guilty of the murder of Snoddy, and those men wanted them killed for it, why should they not be just as willing to have them hung by process of the law?

Answer. That would not gratify their feeling of revenge as well, and at the same time they might not be hanged by operation of the law. They could not have hung more than one of them. They certainly would not have hanged a man for merely helping another to get away after committing the murder.

Question. Who was this man Harris of whom you have spoken?

Answer. He was a negro man who had been prominent in the Union League when it got about there in 1867; he was put in jail in 1867, with a great many others, for what they called in that country a violation of the Sabbath; he was bailed out by myself and others, as being a man that it would do to trust; he was never brought to trial for it, though—the offense was so frivolous.

Question. Mr. Boyd, you say, was prosecuting attorney?

Answer. Yes, sir.

Question. He was killed in his own house?

Answer. He was killed in the tavern where he boarded; he was a young man, and had no house of his own.

Question. Was he a very vigorous prosecutor?

Answer. Yes, sir; he was a man who did his duty faithfully and honestly—a man above reproach.

Question. Was it known by whom he was killed?

Answer. It never came out.

Question. Never came out judicially?

Answer. No, sir.

Question. Was there any attempt to bring the parties to justice?

Answer. I do not know what attempt was made; I know I would not have made the attempt for any amount of money. A month or six weeks after he was killed, when I went up there to take charge of his effects, some of my friends—democrats—advised me that it would not near do for me to go to Eutaw to take charge of his effects. He was a nephew of mine; I was the only near relative he had there; he was born in South Carolina, but was raised in Greene County. I would not go any sooner than I did, for the love of life. He was killed on the last of February or the first of March, and I did not go there until near the first of May.

By Mr. VAN TRUMP:

Question. You say that your information is that things are pretty quiet up there now. Why do you not commence a prosecution now?

Answer. For the very reason that if I were to commence a prosecution there now, I would not be allowed to get away from there.

Question. That is merely your opinion?

Answer. I think so; yes, sir; that is my opinion now.

By the CHAIRMAN:

Question. What is the political complexion of Greene County?

Answer. The last vote showed a majority of democratic votes there. At the presidential election in 1868, there was something like 2,200 majority for the republican party. In 1869, when Major Hays was elected to Congress, there was a still larger majority. But the vote was very much smaller last year.

Question. You mean the whole vote cast?

Answer. Yes, sir; the democratic vote was very largely increased.

By MR. VAN TRUMP:

Question. What proportion of the population of that county are negroes?

Answer. A large majority in that county are colored voters, when they come out and vote. But a great many of them told me last fall, two or three days before the election, that they would not vote; that they could not vote, that they dare not vote; and while I myself gave out thirty-five tickets to parties who lived in my immediate vicinity, and mostly on my land, there were but six of the tickets found in the box where they voted. In the presidential election in 1868, I passed out the great majority of the republican tickets for four counties; at one time there were about five to two negroes there, but I do not think there are that many now. I should think now there are about four blacks to three whites.

Question. Are there many colored Union leagues in that county?

Answer. I did not know of a colored Union league in that county, that there were not some white men in.

Question. Are there any Union leagues with a considerable proportion of negroes in them?

Answer. There were in 1867; they have been abandoned now, so far as I know. I did know something about them in 1867 and 1868.

By the CHAIRMAN:

Question. You speak of certain leading democrats in town advising you to not to go there after your nephew was killed. State who they were, and the reason for such advice to you.

Answer. One was Philip Schoffert; another was a Mr. Cavanaugh, a preacher, who now lives in Kentucky.

Question. What reason did they give you for that advice?

Answer. The reason Mr. Cavanaugh gave in his long letter about it was, that he did not think I could possibly get away from there. He said that his father-in-law, a democrat, and a good friend of mine, advised him to tell me not to come up there.

Question. Is there any open and avowed determination there to prevent the expression of political sentiments on either side?

Answer. I do not know that there is any open and avowed determination, unless it is to say that a republican shall not make a speech there, or when he goes to make a speech, to have him assaulted and harassed.

Question. Have you heard any such statements as that made there?

Answer. I have not heard the statement from any leading democrat. I have a great many times heard black men say that they heard men say that no republican should make a speech in Eutaw. About the last of April last, a delegation came down from Eutaw, with the Eutaw rioters; and they insisted that I should go to the district attorney and use my influence to get the prosecution set aside.

By Mr. VAN TRUMP:

Question. You refer to the rioters at the joint meeting last fall?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Had they been brought in court?

Answer. Some of them were arrested, and under bond to appear before the United States district court at Mobile, and a great many came down with them as witnesses. Several of those gentlemen called on me, and asked me to go to the district attorney and urge him to drop the whole thing.

Question. This was at Mobile?

Answer. Yes, sir; and in April last. I talked to them moderately, and kindly as I could, and told them I had no revenge to inflict on any one for the past, but I should expect real security for the future. I said, "Now, gentlemen, you let me go to Eutaw and make a republican speech when I please, and I cannot tell what I will do for you." And every one said they could not arrange any such thing for me.

By Mr. VAN TRUMP:

Question. Was that on account of any peculiar hostility to you personally?

Answer. I say me or any other republican; allow me to do it, or Major Hays, or any other republican.

Question. Did they say so?

Answer. They said, "We cannot guarantee you any such thing."

Question. They meant you personally?

Answer. They meant that they could not guarantee any republican to go there and make a speech. And yet these men say they are opposed to all such things. I think I speak advisedly when I say that a large majority of the wealthy, intelligent, and influential people of Greene County are opposed to all this thing.

Question. Democrats and republicans?

Answer. As to republicanism, except among the black men, that is about out there. President Grant did not get but eleven white votes there when he was elected, and he would not get that many now, because the few white republicans that were there then have been killed or have gone off.

By the CHAIRMAN:

Question. Can a republican there express his sentiments openly in conversation, or in a public meeting, and do so with safety?

Answer. I do not think he can.

Question. Is that owing to the existence of a small minority of lawless and riotous persons in that community?

Answer. I think so.

Question. Then if that be the case, and if a large majority there are opposed to this lawless conduct——

Answer. I say a large majority in point of intelligence, not in point of numbers.

Question. Very well; if a large majority of the intelligent white people are opposed to that, why cannot you secure justice in the courts against those lawless and riotous persons?

Answer. Perhaps I could not answer that better than by giving you the answer that was once given to me, "It would ruin our business."

Question. I do not know that I understand your answer fully.

Answer. Well, suppose that I am a merchant or a lawyer there; I depend upon public patronage for my business and livelihood; if I should take a stand that would perhaps bring some of these people to punishment, a hue and cry would be raised against me, and I would not be supported in my business.

Question. Do you mean, then, that prominent men engaged in business will not take a stand for the purpose of bringing these people to punishment?

Answer. I say exactly that.

By Mr. VAN TRUMP:

Question. For fear of loss of business?

Answer. Yes, and of being ostracized.

By Mr. POOL:

Question. Have there been any scourgings and whippings there?

Answer. I have heard of a great many; I know of none personally.

Question. Of what character?

Answer. Taking both men and women out of their houses at night and whipping them. I know one black man was taken out of his house on my plantation last October. I saw him a day or two afterward; he had been so abused that he was not able to work for three weeks. He said it was by disguised men. It was not more than half a mile from Union.

Question. Is there any organization in that county of men who are in the habit of going about in disguise?

Answer. I have no personal knowledge of any such organization; report says there is, and their acts would seem to indicate it.

Question. What acts?

Answer. The killing of Boyd, for one thing. Mr. Cleveland and the clerk of the tavern said there was a large company of disguised men who came there and killed Boyd.

Question. Mr. Boyd was the prosecuting attorney?

Answer. Yes, sir; they said he was killed in his room by disguised men.

Question. Have there been any parades in the county of disguised men?

Answer. I have heard of a great many; I never saw one. I believe, in August, 1869, there was a raid of disguised men about Union; I did not get out of my bed to see them.

Question. What is that organization called?

Answer. Ku-Klux, or White Brotherhood.

Question. Have you ever heard of an organization called the Constitutional Union Guards?

Answer. I do not know that such a name as that is current among the people; if it is, I do not know it.

Question. Do you mean to say that the reason why it is now unsafe for you in that county is that these violations of the law can take place and no prosecutions follow?

Answer. That is the reason it is unsafe, I think.

Question. And no prosecution can follow, because any man who attempts it would become an object of vengeance?

Answer. Just as Mr. Cockrell was when coming back from Mobile.

Question. And in that way there is terrorism to such an extent as to prevent the due execution of the law?

Answer. Yes, sir; I think that sums it up exactly.

Question. What is the political character at present of the county officers?

Answer. They are all democrats, except the probate judge.

Question. You have said that colored men were put in jail for violating the Sabbath?

Answer. Yes, sir; in 1867.

Question. But no white man has been prosecuted for whipping, committing murder, &c?

Answer. No, sir; there were bills found by the grand jury last fall against some colored men for this Eutaw riot. Although, as I have been told, some forty or fifty colored men were wounded in that riot, and some were killed, while not a white man got a scratch; yet some negroes were prosecuted for the riot, but not a white man.

Question. How many were killed?

Answer. I do not know of my own knowledge that any were killed.

Question. How many were wounded?

Answer. I heard that some forty or more were wounded.

Question. Gun shot wounds?

Answer. Yes, sir.

Question. All black men?

Answer. Yes, sir.

By Mr. COBURN:

Question. How soon after the riot did you see them?

Answer. I went down on Thursday and returned in a few days; I was there on the Monday after that; I think I came back on Saturday. The riot was on a Tuesday, and on the Monday after I saw some of the wounded men; perhaps six days after the riot; I believe I saw one or two on Thursday, two days afterward, as I passed down; and I saw several while I was at court several days after that; the court commenced there on the Monday after the riot.

By Mr. POOL:

Question. I understood you to say that the former republican majority of two thousand in Greene County had been reduced till there was a majority on the other side.

Answer. Yes, sir; I said so.

Question. Was that a consequence or result of these proceedings?

Answer. If you want my opinion I will say that it is my opinion unhesitatingly that it was the result of the terror and intimidation brought to bear against the voters.

By Mr. VAN TRUMP:

Question. If, in your opinion, there was so much terrorism there, and you felt the danger, how came it that you were one of the gentlemen to propose a joint discussion in such violent times?

Answer. From the first notice I had of the advertisement I apprehended a riot and trouble. I conversed with a great many sensible men who thought the same thing. Hence, in order to avoid any difficulty, if possible, I proposed that both sides should agree to keep the peace and make a joint discussion; that each party for themselves should agree that their party should not commence the riot, and let both parties take part in the discussion.

Question. Have you been much in the Northern States?

Answer. I have not.

Question. You do not know then that such things occur in the North very frequently, one party preventing another party from holding their meetings peaceably?

Answer. I do not know anything of the way politics are managed in the North. I never have been in the North more than a few days at a time.

Question. Who first advertised a meeting to be held at Eutaw?

Answer. The republicans; their advertisement was some eight days old, I presume, when the other appeared.

By the CHAIRMAN:

Question. Is that the usual mode of having political discussions in Alabama, to have joint discussions?

Answer. That was invariably the course before the war; political opponents would meet and discuss questions before the people.

By Mr. STEVENSON:

Question. Did the republican advertisement state where your meeting was to be held?

Answer. In Eutaw.

Question. Did it mention the place of meeting in Eutaw?

Answer. It did not.

Question. Where was the usual place for holding such meetings?

Answer. When the meeting is not expected to be a very large one, the usual place is in the court-house; when it is to be very large, then it would be held in the grounds adjoining the court-house, or in some grove, the place to be selected when the meeting assembled.

Question. When a meeting is advertised to be held in Eutaw, what place is understood?

Answer. As a general thing the court-house, unless it is found the court-house is not large enough to contain the audience, when some other place is selected; except in the case of a large barbacue, or something of that kind, when some other place is named in the advertisement.

Recalled and examined.

By the CHAIRMAN:

Question. I understand that you desire to make some statement to the committee concerning yourself as a property holder. You can make that statement now.

Answer. I have lived in Alabama since 1836. I pay more State and county taxes in Greene County than any other man in the county. I pay some taxes in Mobile, nearly or quite as much as any man in Greene County pays.

Question. Are you the owner of real estate in Greene County?

Answer. I am, and the largest one in the county.

Question. How have these disturbances affected the value of real estate in that county?

Answer. It has depreciated it very much; I should say about one-third.

By Mr. BLAIR:

Question. How do you know that has been caused by these disturbances, as you call them? Might it not have been caused by something else?

Answer. I know this, that when you appeal to a man to buy real estate there, he says, "I cannot go there, because I would not be let alone." So I answered as I did.

Question. Are there not some people there who are let alone?

Answer. Yes; but they are not buying real estate.

Question. Then you think a man who buys real estate is a very obnoxious person to the people of Greene County?

Answer. No, sir; not by any manner of means. But, I think, if men who have money could go there and buy and be treated with more respect, there would be a higher price paid for real estate. I think that the security of life and property is a very essential element in the market value of property.

Question. Is not the amount of taxation a very essential element also?

Answer. We have not felt taxes very heavily yet; we are going to feel them.

Question. I understand the State debt has been largely increased since the war?

Answer. Perhaps you do not understand the condition of that State debt. No taxes have yet been levied by the State for the payment of what are known as the railroad bonds. The taxes levied in the State for 1870 were about $964,000; in 1868 they were nearly as large as last year; and in 1867 they were nearly as large.

Question. I understand you to say that there has been no tax levied as yet for the issue of railroad bonds?

Answer. None, except in counties, local taxes.

Question. But a large amount of State bonds have been issued?

Answer. I think so; perhaps six or seven millions. I have it from report only.

Question. Is it not probable that taxes will be levied to meet those bonds?

Answer. I think it is probable.

Question. Men who have money to invest in land are generally aware of such things, are they not?

Answer. I presume they are; but I can hardly see why the prospect of a difference in taxes should bring about the difference in the price of property which exists. I cannot see why it should take off one-third of the value of real estate in one or two years.

Question. People probably think more bonds will be issued.

Answer. They can repudiate them if they want.

Question. Have they repudiated any?

Answer. Not that I know of.

Question. Do they contemplate it?

Answer. I do not know that they do.

Question. Do the persons who issued the bonds contemplate repudiation?

Answer. I do not know that they do.

Question. You know that a large amount of bonds have been issued?

Answer. A large amount is reported. We had a State debt before that, as much as that perhaps.

Question. Is it not reported that a great many bonds have been issued without consideration, and that they do not know how they got out?

Answer. I have heard something said about more bonds being issued than the road was completed for; but when the road was completed it would cover all the bonds. It was said that bonds were issued in advance of the completion of the road.

Question. And that increases the debt of the State?

Answer. No more than the legislature agreed that it should be increased when the road was finished. The railroad, under the law of the legislature, was to receive so many dollars per mile when finished. I have heard it said that in some cases bonds were issued in advance of the completion of the work.

Question. You are a large property-holder, and as a matter of course you think of these things. Now, is it not a matter of course, that when the State debt is so largely increased, and when it is believed by many persons that it was improvidently increased, that is to say, that the bonds were issued even before the roads had complied with the conditions for their issue, would not that naturally have the effect by the increase of taxation hereafter to lessen the value of land?

Answer. It would have the effect of depreciating property to some extent perhaps. But when the road is completed to the extent the bonds issued call for, I do not see that that should change the aspect of affairs at all. If I should agree to pay you a certain sum of money when you had done a certain piece of work, and then should pay it to you before the work was done, still when the job was completed it would be all even. Now, I think the price of property there would have been increased, only for the effect produced by terror and ostracism. Men who would perhaps buy property, if otherwise treated, are ostracized, and the influence of terror is brought to bear on the laboring classes.

By Mr. COBURN:

Question. How many miles of railroad have been constructed in Alabama since the war?

Answer. I do not know exactly; perhaps four or five hundred miles.

By Mr. VAN TRUMP:

Question. Do you know that mere agricultural lands in the North are decreasing in price?

Answer. I know very little about the North; my property of every kind has always been in the South.

WASHINGTON, D. C., *June* 2, 1871.

Hon. CHARLES HAYS called and examined.

By the CHAIRMAN:

Question. You are a member of the House of Representatives of the present Congress, I believe?

Answer. Yes, sir.

Question. In what part of the State of Alabama do you live?

Answer. In Greene County, in the fourth congressional district.

Question. Please state to the committee as succinctly as you can your knowledge of the condition of affairs in Alabama, so far as regards the safety of the lives and property of citizens and the execution of the laws. We desire information more particularly in reference to the state of things at the present time, and within the last year.

Answer. So far as the present state of things is concerned, there is more quiet now than there has been for some time. I know of no outrages committed within my district, except the beating of Mr. Cockrell, who was summoned as a witness before the United States court at Mobile, in reference to the Eutaw rioters. I have heard of no outrages there, except that since I went home from here this spring. Previous to that time there had been a great many disturbances.

Question. How recently was that occurrence?

Answer. About three weeks ago, I think; I only know of it from hearsay, from what is the general talk in the country.

Question. You say he was a witness?

Answer. Yes, sir; before the United States court at Mobile.

Question. Was it upon his journey to or from Mobile that he was assaulted?

Answer. Upon his return.

Question. Have you seen him since then?

Answer. I have not.

Question. What other facts can you state to the committee that would tend to show the degree of security for person and property that exists in the county in which you live, or, so far as you know, within the district, for the last year?

Answer. I can only give you the facts as I have heard them in reference to the murder of a Mr. Boyd, who was the solicitor for the county of Greene. I know the circumstances only by hearsay; but I am satisfied the facts are true.

Question. Do you live in the town where Mr. Boyd was murdered?

Answer. No, sir; I do not. I live about nine miles from there in the country, on a plantation. He was the county solicitor for that county; some negroes had been——Is this testimony to be published now?

The CHAIRMAN. There has been no decision yet of the committee in regard to the immediate publication of the testimony. We have concluded to take testimony, allowing only the person testifying to be present in the committee-room, holding over the question of publication.

The WITNESS. I only wish to make this suggestion so far as I am concerned: I think it would be far preferable for our section of the State not to have this testimony published at this time; that is merely a suggestion to the committee. If the testimony should be published, I think it would be necessary to send troops there; and we want to get along without them if we can possibly do so.

By the CHAIRMAN:

Question. What effect would the publication of this testimony have there, in reference to the witnesses giving it, or the persons who might be named?

Answer. I think it would have pretty much the same effect upon them that the testimony that Mr. Cockrell was expected to give in reference to the Eutaw rioters had upon him.

Question. You mean that the witnesses would not be safe in testifying to their knowledge of facts?

Answer. I think they would not; I judge so from the demonstration made against Mr. Cockrell after his return as a witness in the United States court at Mobile.

Question. The committee will doubtless consider your suggestion. You will proceed with your statement in regard to Mr. Boyd.

Answer. I was in Washington in Congress at the time, and one morning received a telegram from Mobile stating that Mr. Boyd had been murdered at Eutaw. A short time after that I received some letters stating that the county solicitor of Greene County had been murdered in Eutaw, at Mr. Cleveland's hotel, by men in disguise. It seems there had been some difficulties that originated near the town of Union, in the northern part of Greene County, in reference to the holding of political meetings there among the negroes. The white men of that portion of the county determined that they should not hold them; they went to where these negroes were holding the meetings, I suppose, and told some of them. This is only what I heard; I do not know it positively, myself, but I heard it generally reported in the county.

Question. Give us only what you have examined into and are satisfied is a correct statement of the facts.

Answer. I give you the statements as I heard them. These negroes had been holding some political meetings, and the white men of the county determined to break them up. They went there to stop them from holding the meetings; a difficulty occurred in which some negroes were shot, and a night or two after others were carried off and whipped. The circuit court was coming on in a short time, and Mr. Boyd, who was the solicitor of the county, said to some citizens at Eutaw that he intended to commence prosecutions before the grand jury to find out the parties who had shot and whipped these negroes. While the court was in session, I think, a body of some thirty or forty men rode up to the hotel, about 11 o'clock at night; they were disguised, and went into the hotel, took Mr. Boyd out of his bed, and killed him right in the passage, or on the porch of the hotel; they killed him by shooting him. That is one occurrence.

Question. Were any proceedings instituted for the purpose of discovering and arresting the perpetrators of that offense?

Answer. I think not; there never has been anybody arrested; I think that probably they had the matter before the grand jury, but I do not know that they did anything at all.

Question. Were any of the perpetrators known?

Answer. Not that I know of.

Question. Being a citizen of that county, and interested in the good order and security of the county, have you taken any steps to discover and bring to justice the perpetrators of that outrage?

Answer. I do not think any steps have been taken.

Question. Have you any knowledge of any other occurrence of that character within the last year?

Answer. There was a colored man by the name of Guilford Coleman, who lived in that county, and who was a delegate to the State convention that nominated the governor, and also a delegate to the convention that nominated me. Upon his return from the convention that assembled at Demopolis, some two or three nights afterward he was taken out of his house by parties in disguise, and has never been heard of since.

Question. Was that in Greene County?

Answer. Yes, sir; in the town of Eutaw.

Question. When was that?
Answer. I think it was in the last of June. I am not certain as to the exact time.

By Mr. BLAIR:

Question. A year ago.
Answer. About a year ago.

By the CHAIRMAN:

Question. Were you at a political meeting held in Eutaw in October last?
Answer. Yes, sir.
Question. Were you present at the time the riot occurred there?
Answer. Yes, sir; I was on the stand at the time.
Question. Give us as nearly as you can an account of how that riot originated, and what occurred while you were there.
Answer. A public notice had been given by the State executive committee that Governor Smith, who was then a candidate for reëlection, Senator Warner, Governor Parsons, and myself, would speak on a certain day at Eutaw. Shortly after that notice was given, handbills were struck off at Eutaw, I suppose, and put up all over the county, announcing that a democratic meeting would be held at Eutaw at the same time. I went up to Eutaw on the day named for the meeting. There were some United States troops there, under the command of General Crawford, about a half a mile from the court-house. I had been raised in Eutaw, and had lived there all my life. As soon as I got there, I said to General Crawford, "General, I think it would be better for you to consult with Governor Smith, and arrange measures to preserve order here; I think the demonstrations look a little ugly, and I am afraid we are going to have a row." I said to him that the democrats having a meeting at the same time that the republicans were to hold their meeting, it would be best upon the whole to address a note to the leaders of the democratic party there, in order to inform them that we proposed to have peace and quiet and order here, and to discuss the questions before the whole people. I said that, so far as I was concerned, I did not propose to speak at all; that Governor Smith and Senator Warner would speak, and that the democrats could select their orators, some arrangement be made for dividing the time, and it could be generally understood that both parties would preserve order. He replied that he thought that was a good suggestion. Mr. Miller, Mr. Cockrell, and myself were appointed the committee on the part of the republican party to confer with the democrats. Mr. Miller addressed a note to Colonel Jolly and Mr. Pierce, who were appointed on the part of the democrats, informing them that we proposed to have a public discussion, and to guarantee peace and quiet and order while the speaking was going on, provided they would unite with us in doing so. We were then in the office of the circuit clerk. Colonel Jolly and Mr. Pierce, on the part of the democrats, came over and said that they did not propose to discuss at all these questions, either as to men or measures; I think that was their language in substance. In other words, they ignored entirely the whole thing. In the mean time the meeting of the democrats was going on at the opposite side of the court-house; their candidate for the legislature, a man by the name of Smith, a Baptist minister, and a very good man, made a speech. In a short time the republican meeting was called to order upon the opposite side of the court-house. As soon as the republican meeting was called to order, a large crowd of those who had gathered where the democrats were speaking left there and went around on the other side of the court-house, where Senator Warner was speaking. As soon as this crowd had deserted the democratic meeting, a great many, some of them from Mississippi, others from Sumter County, and some from Greene County, came around and commenced hallooing, and making a noise, and hooting at Senator Warner, telling him that he was a damned liar, and interrupting him, so that he could hardly go on. Finally, after a great deal of trouble, he concluded his remarks, and Governor Parsons got up to speak. He commenced by telling them that he had voted for Seymour and Blair, that he had been a democrat, always a conservative man, and thought that the best plan to be pursued now was for the defeated democracy to accept the situation, &c. One man in the crowd said, "Let him go ahead, he is making a good democratic speech, and as long as he is making that kind of talk, don't interfere with him." About the time the governor was coming to the point of his argument, there was a general row and shouting, and a great many would curse at him and hoot at him. He got along badly, and finally ended his remarks. I had determined before I went there not to speak. I got up for the purpose of moving an adjournment of the meeting. There was a table just outside of the court-house window, and I got up on the table for the purpose of making that motion. Just as I did so, a man caught me by the sleeve, and pulled me off the stand, and two men, one on either side of the table, tilted it over. Just as that was done, some persons who had got into the office of the circuit clerk commenced a rapid firing from the window upon the negroes in front, firing over the heads of Governor Parsons, Senator Warner, myself, and others. There were two men who commenced shooting at me, but one was immediately seized by the sheriff. In the general *mêlée* the negroes retreated, and

the crowd pursued them, firing rapidly upon them. The negroes broke down the court-house palings and ran off. I stood there until the firing had stopped, and then started along over to the hotel with Senator Warner and Governor Parsons. As I did so, a man stepped out just in front of me and said, "I want to kill him anyhow." He pulled out his pistol and shot at me; I suppose he was as far from me as it is from here to the window. In the mean time an old sheriff of the county, who was a very warm personal friend of mine, although a very bitter democrat, came up and took hold of this man, and knocked the pistol out of his hand, or took it from him. I turned around and quietly walked into the court-house door. The troops had got there about that time: General Crawford had ordered them there. A great many persons had gone into the stores in the place, and seized double-barreled guns, and were pursuing the negroes. I did not see any of them fire these double-barreled guns, and I do not believe they did: they were shooting the negroes with pistols. In the mean time the negroes had retreated down the street some distance, and the troops went down there, and halted the white men who were pursuing the negroes, and there the thing stopped.

Question. Were there persons from Mississippi and adjoining counties in Alabama engaged in making this attack?

Answer. Yes, sir; there were some men there from Mississippi; there is only one county between the county in which I live and the Mississippi line.

Question. How many persons were killed?

Answer. I do not know; I heard that five men had died from their wounds. I saw two lying in the court-house that evening after the row was over, who looked to me as though they were going to die.

Question. How many altogether were wounded?

Answer. The report was that there were fifty-four wounded.

Question. Was there any motive avowed for making this attack? If so, state what it was.

Answer. None whatever that I know of, except that I think the purpose was to break up the meeting.

Question. Was there any personal hostility to either of the gentlemen who were speaking?

Answer. You must know that there is a very great hostility to every man in that section of the country connected with the republican party.

Question. What I want to get at is, what was said showing the motive for the attack, if there was anything said to that effect?

Answer. Every man in that section of country who is in favor of the policy of Congress and of the reconstruction acts is regarded as an enemy of the country.

By Mr. COBURN:

Question. Was there any other motive for the attack than a political one?

Answer. None that I know of.

By the CHAIRMAN:

Question. Were there any sentiments of that kind expressed there on that day—sentiments of the character of those to which you have just referred; that is, that the republicans were enemies of the country?

Answer. Yes, sir; I heard several men say that they should not make any speeches there, and that there should be no more radical meetings held there, and things of that kind. I heard one man say, after the row was over, "Well, you sent for your United States Senator, and for your governor, and for your United States officer, and for your member of Congress to come here, and, God damn you, we have cleaned you all out."

Question. Who was he?

Answer. I do not know; I was told that he was from Mississippi, and I tried to find out who he was, but I did not learn his name.

Question. Are you a native of that county?

Answer. Yes, sir; I was born and raised where I am now living.

Question. You have an acquaintance in that entire district?

Answer. Yes, sir.

Question. How many counties compose your district?

Answer. Fourteen.

Question. Have you any knowledge of the existing state of things in the other counties of your district?

Answer. Only from what I have heard and seen published in the newspapers, and what has been reported to me by my constituents.

Question. Have you traveled over the entire district? Have you canvassed the district?

Answer. Yes, sir; I have canvassed it, so far as I could; I could not go farther than Eutaw during the last election.

Question. Have there been disorders in other portions of your district affecting the security of person and property?

Answer. I understand there have been some difficulties within the last year in Choctaw County. Judge Luther R. Smith, who is the circuit judge, I understand has recently had his gin-house burned. I myself saw some resolutions published in a paper in Livingston requesting him to resign, and notifying him that it would not be safe—well, I am not certain about that part of it; I heard that, but I do not think it is in the resolutions that were published in the paper. I heard that he had been notified not to go to Livingston to hold court. He had been notified not to go to Eutaw, and he consequently did not go there.

Question. He is the presiding judge of the circuit?

Answer. Yes, sir. Judge Pelham held the last court at Eutaw for him. Judge Pelham is an active republican, and is living at Talladega.

Question. Is Judge Smith a native of the State?

Answer. No, sir; he is a northern man.

Question. Is he a republican, and was he elected as such?

Answer. Yes, sir.

Question. You have said that there was now a better state of affairs in your portion of the State; to what do you attribute that?

Answer I do not know, unless, perhaps, it is the passage of what is known as the Ku-Klux bill, and also the publication of the democratic address that went out from here some time ago. I think that had a very good effect; and I think it probable that the passage of the Ku-Klux bill has had a good effect. I think if we had passed a general amnesty bill, it would have had a still better effect.

Question. Have you sufficient information in regard to the existence of any organization for the purpose of committing these outrages, to enable you to testify on that point?

Answer. I have no personal knowledge; I have only heard of frequent instances of negroes being taken out and whipped, but I never saw a Ku-Klux in all my life; I have heard of them frequently.

Question. From the information which you have obtained as to outrages which have been committed, can you state whether they were committed by organized bands?

Answer. There is no doubt about that.

Question. Of persons in disguise?

Answer. I understand that they are sometimes disguised, and sometimes they are not very particular whether they have their disguises on or not.

Question. Have any persons who have committed offenses of this kind, in bands of disguised men, been tried and convicted in your district, so far as you know?

Answer. Not one that I ever heard of.

Question. Do you yourself feel a sense of personal security there?

Answer. I did not at one time.

Question. Why?

Answer. I felt very insecure, indeed.

Question. On what ground?

Answer. Because I had been a very active republican, engaged in building up the republican party, and consequently was under the odium that generally attaches to members of that party.

Question. Has this species of terrorism and outrage had the effect of preventing a free expression of political sentiments to any extent in your State?

Answer. Yes, sir. I do not suppose you could get a man, in that part of the country, to go to that district and make a republican speech. It was only by the most strenuous efforts that I could get Governor Smith and Senator Warner to go there. I had myself to go to the committee and tell them I intended to go home, and make no speech in the campaign, for it would cost me my life, and I did not propose to do it unless I could get some one to go along with me; consequently I got them to go over there, and then this row was organized for the purpose of breaking up the meeting and stopping the canvass.

Question. To what extent is this sentiment shared by the leading white inhabitants?

Answer. I think the leading men of the country, the good citizens, who are property-holders, are opposed to this thing. I think that in the beginning they winked at it, because they thought it would ultimately result in the breaking down of the republican party; but the thing has got too big for them now, and they cannot control it. I think they now regret this, about as much as anybody does, with the exception of a few men, who are young men, and went into the confederate army, and have lost all their property.

Question. If a sub-committee were to go into that portion of the county where these outrages have been committed, would the leading white men there give them such aid and assistance as would enable them to ascertain who were the guilty parties?

Answer. I think that extremely doubtful.

Question. Would there be any difficulty in procuring testimony of persons on the ground, who had been victims of these outrages?

Answer. I think there would be.

Question. From what cause?

Answer. Because they know very well that if they were to go before a sub-committee there, and testify, the very moment that committee left they would be killed.

By Mr. VAN TRUMP:

Question. You say, "They know." Do you not mean that is your opinion?

Answer. Of course, sir, that is what I mean.

By the CHAIRMAN:

Question. Can proceedings be instituted there, with any reasonable prospect of success, against the parties who are committing these outrages in that portion of your State, for the purpose of discovering and punishing them?

Answer. I do not think they can be in Greene County, in Sumter County, or in Pickens County; I think that probably they might in some other counties.

Question. Are there any other counties, in your district, in which the state of things is as bad as you represent it to be in Greene county?

Answer. I think not, although the feeling is very bitter, and I have heard of outrages that have been committed in Pickens County, but that was two years ago.

By Mr. VAN TRUMP:

Question. When you speak of "other counties," do you mean counties in your district or in other parts of your State?

Answer. In my district.

By the CHAIRMAN:

Question. Have any threats been made against you which led to the feeling of insecurity on your part, of which you have spoken?

Answer. I cannot say that there have been any threats made against me directly. I have been notified by gentlemen, who were friends, that I was in an unsafe situation there. I have been notified by members of the democratic party that they thought it would be better for me, at certain times, to go out of the county for a while. I have a large family connection in the county, very large; nearly half of those living in my immediate neighborhood in that county are related to me, and they are about all democrats.

Question. How recently have any notices of that kind been given to you?

Answer. I received a letter of that description before I left here in the spring, though I did not give much attention to it. The writer of the letter stated that it was thought it would be very unsafe for me to come back to that part of the country. I thought then that the man was exaggerating, though not intentionally, and I think so now.

Question. You did return?

Answer. Yes, sir.

Question. Have you experienced any molestation?

Answer. No, sir, not a particle. I am of the opinion that the country there will be quiet; I hope so. I believe the country will now quiet down. I think the determination is to desist from any further whippings or burnings or murders; I think that is the determination. But I believe that there are men there who are perfect desperadoes, who have nothing to do except to go about, and who think it is a popular thing to hound a man because he is a republican. I think a republican is frequently in danger of being attacked by them.

Question. Is it your belief that the tone of public sentiment upon that subject among the white population is changing?

Answer. I think it is.

Question. And that they will assist in preventing these outrages in future?

Answer. I think so. I know I have received letters from some of the ablest men belonging to that party, some of the most prominent men in my State, since I have been home, in which they say that these things shall stop; that they shall go no further; that they will use every effort they can possibly bring to bear to put a stop to these things.

Question. Was that the case six months or a year ago?

Answer. No, sir, it was not.

Question. What was the effect of this riot in Eutaw upon the attendance of voters at the last election?

Answer. I carried the county of Greene by 2,600 votes when I was first a candidate for Congress. There were then in that county about 2,600 negro voters, and about 800 white voters; some few of the whites voted the republican ticket. At the last election that county went democratic by 43 votes.

By Mr. VAN TRUMP:

Question. The whites did not vote at all at the first election, did they?

Answer. Yes, sir, a great many of them did.

By the CHAIRMAN:

Question. You say there were about 2,600 republican voters and about 800 democratic voters in that county; that would make about 3,400 voters in the county?

Answer. Yes, sir.

Question. What was the total vote cast at the last election?

Answer. Pretty much the same as at the previous election, but the character of the vote was changed.

Question. Was that done by the ordinary method of appealing to the reason of the people, or was there any intimidation and violence to produce that effect?

Answer. A great many negroes in the county did not vote at all.

By Mr. VAN TRUMP:

Question. How came it then that there was no falling off in the aggregate vote?

Answer. Because they had arranged all that thing previous to the election.

Question. You say there were as many votes in the aggregate at the last election as at the previous election.

Answer. Yes, sir; and I will say that at Union there were 248 republican and 54 democratic votes in one of the boxes at the first election, and at the last election there were in the box, I believe, 12 or 15 democratic majority. The negroes did not vote at all, and yet the same number of votes were there. I have no positive proof of it, only I have heard so.

By the CHAIRMAN:

Question. You mean that the returns were made as if the full number of votes had been cast?

Answer. Yes, sir, precisely; I mean that there was nothing but fraud in the election; that the whole thing was fraudulent. Now, to show the difference between the two elections: In the box at the town where I live, Boligee, there were at the last election, I think, 474 majority republican votes. That box and the box at Falkland and at Mount Hebron were the only boxes in the county that gave a majority of republican votes. The probate judge of that county stated to me before the election came off that he did not take any interest in it; that he thought the election was already held. He was one of the supervisors of election.

Question. How are they appointed?

Answer. Under the law the circuit clerk, the probate judge, and the sheriff are supervisors of elections. The sheriff, I think, made out the list of officers to hold the elections, and appointed as such all democrats in the county; there was no republican appointed at all. The democrats held the elections themselves and made the returns.

Question. How many members of the State legislature are elected from that county?

Answer. Two members.

By Mr. BLAIR:

Question. Who appointed the sheriff?

Answer. The governor of the State.

Question. Who was the sheriff?

Answer. A Mr. White, and a very good man.

Question. Was he a republican?

Answer. No, sir, a democrat.

Question. Who was the probate judge?

Answer. Hon. A. R. Davis.

Question. Was he elected or appointed?

Answer. He was appointed.

Question. Who appointed him?

Answer. Governor Smith.

Question. Was he a democrat?

Answer. No, sir, he was a republican.

Question. Who was the other supervisor?

Answer. I think it was a Mr. Smith, the circuit clerk; he was appointed by the governor and is a republican. But I understood from Judge Davis that these matters were never submitted to him or to the circuit clerk, but the sheriff made out the appointments and sent them out, without consulting with them.

Question. Had he authority to do that under the law?

Answer. I think not.

Question. You say there was a trial in Mobile of these rioters?

Answer. They did not try them, on account of the absence of some witnesses.

Question. The trial was to have been had?

Answer. Yes, sir.

Question. Who put off the trial?

Answer. I think it was put off by the United States Government.

Question. For want of witnesses?

Answer. Yes, sir; I think that was the reason.

Question. And no trial was had?

Answer. No, sir.

Question. Who were indicted?

Answer. I do not remember their names; I never saw the indictment. I did not make any affidavit myself; I did not propose to have anything to do with it. I was summoned before the grand jury as a witness, and went before the grand jury, but I did not testify.

By Mr. VAN TRUMP:

Question. How many were indicted?

Answer. I do not know how many; I have understood that about twenty were indicted.

By Mr. BLAIR:

Question. Was Mr. Cockrell one of the witnesses?

Answer. Yes, sir.

Question. Do you say he was beaten?

Answer. Yes, sir.

Question. Where?

Answer. At Finch's ferry, about three miles from Eutaw, on his return from Mobile; he came up the Warrior River on a steamboat.

Question. On his return from Mobile?

Answer. Yes, sir; I have not seen Mr. Cockrell myself, but I understand that was the case; I suppose everybody in the county will admit that.

Question. Where does Mr. Cockrell live?

Answer. In Eutaw; he was a lawyer there.

Question. Do you think we could send a part of this committee down there and get testimony in this case?

Answer. I do not know as to that; probably you could; that is a matter you must determine for yourselves.

Question. Would we not have a better opportunity to obtain the testimony there than here?

Answer. Yes, sir; I think so. I do not know that sending a committee down there would do any good in the world.

Question. Would it not do as much good as having a committee here?

Answer. I do not know that it would do much good anywhere; that is my opinion.

Question. The question I wanted to present to your mind distinctly was, whether, in your opinion, we could not go there and have a better chance to get an exact idea of the state of things there than we could get here, or in any place distant from here?

Answer. I think you could.

By Mr. POOL:

Question. Why did not these witnesses go down to Mobile?

Answer. I do not know the reason; I suppose the main reason was because they did not wish to appear against these men.

Question. Do you think they were afraid to go?

Answer. I do not know that they were afraid; but I think a great many there thought it would do no good to have these men convicted; others thought it would probably be better to let the matter rest where it was; the country was quiet, and they thought it would be better to let it remain so.

Question. Did the great bulk of witnesses for the United States decline to go?

Answer. I think only two declined to go; Mr. Brown and myself.

Question. The rest went?

Answer. Yes, sir; the reason I declined to go was this: I was summoned before the grand jury of the county immediately after the riot. I went there and they asked me some questions; I said to them that I had been a candidate there at the time the row had occurred, &c.; that everybody was familiar with it; that there were plenty of witnesses without me, and I did not desire to give any testimony at all in reference to it. The grand jury determined to make me answer, and I declined to answer; they then sent me out to Judge Smith, who was holding the court. I told the judge that I thought it best for the peace, quiet, and order of the county that I should have nothing to say in reference to that riot, and that I did not propose to say anything in reference to it. I told him that I wanted him to excuse me from testifying before the grand jury. The solicitor of the county united with me in that request, and the judge excused me. I wish, however, to make this remark: it was said that I fired the first shot. I say that I did not fire at all. It was published in the papers that I had fired the first shot, and that there were five or six men who would swear that I did so. I will simply state that that was not correct; I did not fire a shot at all.

By the CHAIRMAN:

Question. What was the result of the inquiry before the grand jury?

Answer. I do not know; I have never ascertained what the result was.

Question. Were any bills found against anybody?

Answer. No, sir; and probably for this reason: the United States marsha. appeared there directly after the elections and arrested these men, and the case was transferred from the court there to the United States court at Mobile. I presume that was the reason why the matter was dropped in the State courts in the county.

Question. Is there any difficulty in your county in the administration of the law in the case of ordinary criminal offenses, such as assault and battery, larceny, and offenses of that kind, which arise in every community?

Answer. As a general thing there the law is administered so far as one class is concerned. I do not know what they did with those men who whipped Mr. Cockrell. I do not know that they were arrested or that anything was done about it. As a general thing, though, when two negroes fall out and have a fight, or when two white men fall out and have a fight, they are taken up and tried.

By Mr. BLAIR:

Question. Did Mr. Cockrell know the men who beat him?

Answer. Yes, sir, very well; I presume he does; I understand he does.

By the CHAIRMAN:

Question. Is there any difficulty in the administration of the law in the case of criminal offenses where they have no connection with politics?

Answer. I think not.

By Mr. BLAIR:

Question. Who is this man Brown, the other witness who you say failed to attend at Mobile?

Answer. He is a young man who was in the confederate army, and lost his leg at Malvern Hill. He is a republican and a native of that county.

Question. You say all the other witnesses appeared?

Answer. Yes, sir.

Question. Could there not be any number of witnesses obtained there as to the facts of the case?

Answer. Any number, I presume.

Question. Then why was it necessary to postpone the case simply on the ground of the absence of two witnesses?

Answer. I presume it was on account of some testimony which Mr. Brown could give in reference to this matter, and that no one else could give; I presume so; I do not know.

Question. Is there any difficulty at all in trying these rioters in the court at Mobile?

Answer. I think not.

Question. Or executing any decree of the court?

Answer. None whatever, I think.

By Mr. VAN TRUMP:

Question. Then the trial was not put off on account of the absence of witnesses generally, but simply because of the absence of two witnesses?

Answer. I think so.

By the CHAIRMAN:

Question. I understand you to say that it is your impression if things are left to time and the operation of the laws now in existence, the strong probability is that there will be no further disturbance in your State?

Answer. That is my impression; I hope for that; I think they are all tired of these things; I know I am.

Question. When you say that, are we to understand you to mean that men can go on now and express their political sentiments there as freely as at any time heretofore, without being called to account for it, or without incurring any danger of violence?

Answer. No, sir, I do not mean that. I do not think any man could go there and make a republican speech without there being a riot.

Question. Then does the future peace and security of the State depend upon republicans suppressing their sentiments and keeping entirely quiet?

Answer. I think that has a great deal to do with it. I will explain more fully what I mean. There will be no election there in the State for nearly two years. I think the patient wants rest. I think if we just keep the military away from there and let things alone as they are for the present, the people will probably see that it is better to have peace and order all over the country; and I think that is what they intend to do; at least I hope so.

By Mr. COBURN:

Question. Do you mean to say that the quiet of the country depends upon not arresting these offenders and not talking politics?

Answer. I think that has a great deal to do with it. These men have already been arrested and carried to Mobile.

Question. You mean that the prosecution should not be pressed?

Answer. Yes, sir.

Question. It depends upon those conditions?

Answer. I think so.

Question. In your opinion, what evil would result from the detection, trial, and conviction of the perpetrators of these political outrages?

By Mr. BLAIR:

Question. I thought you expressed the opinion that general amnesty would do more to quiet the country than anything else?

Answer. I think so.

By Mr. COBURN:

Question. I would like to have you answer my question. What evil would result from the arrest, trial, and conviction of the perpetrators of these outrages?

Answer. I could not tell you. I have heard men say there that threats had been made, that if these men were interfered with in Mobile, the witnesses would be paid up in cash account; that was about the expression used. That is, if they went to Mobile and these men were convicted and sent to the penitentiary, they were given to understand that the witnesses could not live in the country.

By the CHAIRMAN:

Question. Then I understand you as saying that the future security of the State depends upon granting immunity and amnesty to these men who have committed outrages in the past, and upon the entire silence of the republicans in the future?

Answer. I cannot say that. I say that I think the best course now, as things are quiet there, is to let them remain so; and probably by the time the next election comes off, in two years, republican views may be tolerated there, and men may be allowed to make speeches wherever they please; that is the idea I wish to convey, that they may be allowed to express their sentiments wherever they please at the expiration of that time.

Question. Does that convey the idea that there should be no proceedings against the perpetrators of these outrages; that they should be allowed to go unpunished?

Answer. I do not go that far, because I think the guilty ought to suffer punishment.

Question. What would be the result of proceedings against them? I do not mean that you think that ought not to be done. But I wish to know whether I am to understand you as saying that if prosecutions are carried on against these offenders and they are brought to justice, the result will be ——

Answer. More trouble in the county?

Question. Yes, sir.

Answer. I think so.

By Mr. VAN TRUMP:

Question. I understood you to say that you thought there was a general determination on the part of the people there, except a few roughs, to have these things stopped. Do you mean to say that is upon the condition that none of these offenders shall be prosecuted?

Answer. I do not say that. I think the prosecution of these men, the conviction of them, and the sending of them to the penitentiary, would stir up a bad feeling in that section of the country.

Question. Do you mean that the public opinion there in regard to having peace hereafter is based upon the condition that no prosecution should be had against these criminals?

Answer. I think so.

Question. Have you any evidence or facts upon which you base that belief?

Answer. None, except that I believe the general sentiment of the people is in favor of having these cases dismissed.

Question. That might be the general sentiment and yet not be a condition?

Answer. I do not say they make any such bargain; but I think it would be best; these are my views.

By Mr. BLAIR:

Question. I desire to ask you in reference to the opinion you expressed of general amnesty—amnesty for the offenses of the war, I presume you mean?

Answer. Yes, sir.

Question. Would it do more to quiet the country than anything else?
Answer. I think so.
Question. Upon what do you base that opinion?
Answer. There are a great many aspiring men in Alabama, as there are everywhere else. They have been kept down under disabilities. They want to have a chance to occupy official positions; that is something that is in the human heart, it is the sentiment of ambition. These men think if they could get back into Congress—in other words, they wish to be placed upon an equality with all the people of the country.
Question. Is not that a very natural sentiment?
Answer. I think so.
Question. Is it not a very unnatural thing to hold men responsible for that about which they have nothing to say?
Answer. They do have something to say.
Question. How?
Answer. They have a vote; there is not a single man disfranchised from voting.
Question. They are disqualified.
Answer. From holding office under the Government of the United States.
Question. And laboring under this disqualification, they are not on an equality with their fellow-citizens?
Answer. No, sir.
Question. Therefore they cannot take any position in politics, and ought not to be held responsible for those who may take a position in politics.
Answer. Do you mean to say that they ought not to be held responsible for outrages?
Question. Ought to be held responsible for their own acts, but not to be called upon to exert an influence, when they are not allowed to hold a position.
Answer. I think it is the duty of every citizen of the Government of the United States to do what he can to suppress violence in any community in which he lives.

By Mr. VAN TRUMP:

Question. Would you not consider the mere right of voting as a very poor compensation for a disqualification from holding office?
Answer. I was a major in the confederate army; I went into the war and fought the best I knew how; I came out and accepted the situation, and I think I can live under the Government.

By Mr. BLAIR:

Question. But you had your disabilities removed?
Answer. After I came out of the war.
Question. And you found yourself in a condition to accept office?
Answer. No, sir, I did not desire any office.
Question. I am not asking you as to your desire; but you found yourself in a condition to accept it?
Answer. I did not ask for the removal of my disabilities; they were removed under a general bill.
Question. Was there any general bill removing disabilities from the people of Alabama?
Answer. There was a general bill removing disabilities from all persons in Alabama who took part in framing the convention under the reconstruction acts.
Question. Removing the disabilities from certain persons?
Answer. Yes, sir.
Question. And you were among that number?
Answer. Yes, sir.

By the CHAIRMAN:

Question. Is it the opinion of those men who are disqualified by the constitutional amendments that their disqualifications can best be removed by disregarding the rights of other people?
Answer. No, sir; I do not say that.
Question. How do you connect these proceedings, then, with the existence of those disqualifications?
Answer. I think the people of the State desire these disqualifications removed.
Question. Those who were under disabilities?
Answer. Yes, sir.

By Mr. BLAIR:

Question. Do not the mass of people of the State desire that to be done?
Answer. Of course they do; I do not think there is anybody in the State of Alabama of any party opposed to the removal of political disabilities; there are but very few, at any rate.

By the CHAIRMAN:

Question. Has the existence of these political disabilities anything to do with the causing of these outrages?

Answer. I think it has.

Question. Do you mean that the men laboring under these disqualifications prompt these outrages as a means of bringing about amnesty to themselves?

Answer. No, sir.

By Mr. BLAIR:

Question. You mean that if their disabilities were removed they would exert an influence which they do not now feel called upon to exert?

Answer. I think if these men were relieved from their disabilities they would make better citizens of the Government than they are with the disabilities resting upon them, because they would then feel that they were upon a political equality with all their fellow-citizens.

By Mr. VAN TRUMP:

Question. And they feel it particularly severely when the colored race is put over them politically?

Answer. I think they have had a great deal to do with that thing themselves.

Question. Originally they had?

Answer. They refused to have offices under the Government, and allowed these men to come in and take them, and now they are mad because they cannot get them.

By Mr. POOL:

Question. Do you mean to say that if conviction were had upon the testimony of witnesses, and punishment should follow the conviction, the friends of those convicted would retaliate upon the witnesses, and in that way produce disturbances?

Answer. I can only say what I have heard, and that is that the rumor in the country generally is that if men go before that court and testify in regard to these rioters, and they are convicted, vengeance would be wreaked upon witnesses. I judge that from the very fact that Mr. Cockrell did go there as a witness, and was beaten as soon as he returned, and nearly killed.

Question. With such a sentiment existing in the community as that, is not the progress of justice retarded?

Answer. I think so.

Question. That applies to these political offenses; I understand you to say it does not apply to ordinary offenses, such as assault and battery, &c.

Answer. No, sir.

Question. Could a republican meeting be held in Eutaw for the discussion of political questions in quiet?

Answer. I think not.

Question. If an election should be ordered by your legislature for any purpose, within the next six months, and a canvass should begin, is it likely that the present state of quiet would continue?

Answer. You could not get a man to be a candidate on the republican side of the question in Greene County.

Question. He would be afraid?

Answer. Of course he would.

Question. And your hope is that the two years without an election will work a change in public sentiment?

Answer. That is my opinion.

Question. That is, if all that is past shall be allowed to rest, and nobody be punished for it?

Answer. I think so.

By Mr. BLAIR:

Question. You say that this man Cockrell was beaten because he went down to Mobile as a witness?

Answer. That is the general impression in the county.

Question. There was an examination here last winter, and some seventy or eighty witnesses were examined before this committee. There was an examination of witnesses in regard to Tennessee a year or two ago in Congress. I believe there has been for the last four years a sort of chronic examination of witnesses about affairs in the Southern States. Now, have you ever heard of any other witness but Cockrell being injured for testimony that he has given?

Answer. For testimony that he has given before Congress?

Question. Did you ever hear of any witness in any examination that has taken place while you were in Congress—I suppose there must have been four or five hundred witnesses altogether—have you heard of any one of them being injured?

Answer. There were none of them from my State; I have never heard of any being

interfered with in North Carolina, or in any other State from whence witnesses have been summoned here.

Question. Do you not know that there was a great point made in both Houses of Congress last year, and great apprehension expressed by Senators and Representatives that our proceedings should be kept secret lest these witnesses should be disturbed?

Answer. Yes, sir.

Question. That pretext was set up?

Answer. Yes, sir.

Question. You recollect that?

Answer. Yes, sir.

Question. Now, the testimony has been published by the authority of Congress, and it has gone back home where these witnesses live. Have you ever heard of any witness being disturbed for what he has testified to?

Answer. I have never heard of it; I have not paid any particular attention to North Carolina.

Question. And this is the solitary case of a witness being disturbed?

Answer. This happened but shortly since.

By Mr. POOL:

Question. I understand you to say that the bare fact of a witness coming into court and testifying would not call retaliation upon him; but if the offender should be convicted and punished upon that testimony, then retaliation would follow?

Answer. That is my opinion.

Question. The mere investigation would not call retaliation upon a witness, while the punishment of the offender would?

Answer. Yes, sir; and the simple fact that Cockrell went to Mobile as a witness, although he gave no testimony, brought down upon him a sound beating as soon as he got back.

By Mr. BLAIR:

Question. How do you know that?

Answer. I judge so from what I have heard.

Question. You do not know that from your own knowledge—you do not know that he was beaten from your own knowledge?

Answer. No, sir; but it is generally conceded by every one there, democrats and republicans.

By Mr. POOL:

Question. Have you ever heard it denied?

Answer. No, sir.

By Mr. VAN TRUMP:

Question. Are you a practicing attorney?

Answer. No, sir; I am a planter.

Question. Have you never heard, in regard to cases in courts, of witnesses having been maltreated and injured for the testimony they have given?

Answer. No, sir; I think not. I am a planter by occupation, and have had very little to do with law.

By Mr. STEVENSON:

Question. I understand you to say that you are a native of Alabama?

Answer. Yes, sir; I was born and raised within a mile of where I now live.

Question. You were in the confederate army?

Answer. I was.

Question. Did you hold any office before the war?

Answer. No, sir.

Question. Then you were really under no disabilities?

Answer. No, sir.

Question. I see it stated here in the "Congressional Directory" that the vote in your district at the last Congressional election was for yourself, 18,373, and for your opponent, 16,540; is that correct?

Answer. Yes, sir; and my majority at the election before that was about 16,000.

Question. Was there a full vote at the election in 1868?

Answer. I do not think there was.

Question. The number of republican voters was about the same in both elections?

Answer. Yes, sir; about the same. In the first contest a great many there would not vote at all. The democratic party nominated as their candidate one who had been a general in the Federal Army, but many of the people would not vote for him. I had been in the confederate army, and although I was nominated by the republicans, a great many voted for me.

Question. The Eutaw riot occurred during the last election?

Answer. Yes, sir. I know that a republican speech was not made in Pickens County. I think Senator Warner made a speech of about half an hour in Tuscaloosa County. I think no republican speech was made in Bibb County. I think Governor Smith made a speech in Shelby County. The counties of Tuscaloosa and Pickens were not canvassed, for the simple reason that we could not canvass them.

Question. How was the vote in those counties?

Answer. It was a very large democratic vote.

Question. Was there much change from the republican to the democratic side?

Answer. I think there were 168 republican votes given in all Pickens County; while at the last election I carried it by about 400 votes.

Question. You carried Greene County in 1868 by a large majority?

Answer. Yes, sir; about 2,200.

Question. And in 1870 it went democratic?

Answer. Yes, sir.

Question. Do the democrats there still express their political sentiments; do they still electioneer freely?

Answer. Of course they do.

WASHINGTON, D. C., *June* 3, 1871.

Hon. WILLARD WARNER sworn and examined.

By the CHAIRMAN:

Question. In what part of the State of Alabama do you reside?

Answer. I reside at Montgomery, the capital of the State.

Question. Have you within the last year or two been through any considerable portion of that State? If so, will you go on and give us the facts that have come under your observation so far as they relate to the execution of the laws, and the safety of the lives and property of the citizens of the State?

Answer. I have within the past year been pretty generally over the State. During the campaign of last fall I was through the whole of the northern and middle regions of the State. I was in some twenty-five or thirty counties of the State. At other times I have been all over the State. I believe I have been in every county in the State. Your question is a very general one, and somewhat difficult to answer.

Question. You say that during the last year you were through the western and northern counties of the State?

Answer. The western, northern, and middle counties. I was in Selma, Talladega, Huntsville, Decatur, Tuscumbia, Florence, Moulton, Courtland, Demopolis, Livingston, Eutaw, Tuscaloosa, and other important towns.

Question. If, during that time, any facts came under your observation which will throw light upon the question I have put to you concerning the execution of the laws and the security of life and property, please state what they are.

Answer. I will say, generally, that up to about the 20th of October last the canvass, so far as I was engaged in it or saw it, was a very quiet and peaceable one. I saw nothing during my canvass in North Alabama but what was peaceable and quiet. In all that region of country, although many of the places I then visited for the first time, I was treated with as much courtesy as I could expect or wish. The meetings were all quiet and peaceable; at most of them we had discussions; we invited discussion always. I was canvassing, of course, as a republican, and for the republican State ticket. I was accompanied part of the time by Judge Rice, and part of the time by Governor Smith—sometimes by both. We everywhere invited discussion; we invited our democratic friends to bring forward their representative men, such as they would be responsible for, to discuss the issues before the people. At very many places they did so, and the discussions in the meetings were all friendly and kind, with nothing more of sharpness or acerbity than one would witness in any Northern State, or sometimes here in Congress. Until I reached Demopolis I saw no exhibition of violence or of unusual feeling. When I reached Demopolis I made a speech there to a very quiet audience. After the meeting was over, as I was passing from the stand across the street, a gentleman whose name I do not recollect, a lawyer there and a democrat, whom I had met and been introduced to in the morning, and with whom I had had a very pleasant conversation, mounted on a box at the corner of a store, or on a porch, and called to me by name to stop and hear him make a democratic speech. I replied, "Certainly, I will be very glad to hear you." He had his hat on, and began by saying that he did not take off his hat to anybody except to his God and to the legitimate governor of the State; that he did not take it off to his carpet-bag and scalawag inferiors. I thought that was not a very mild response to my acceptance of his invitation to stop and listen to him; but I did not take any notice of it, and started to pass on. One of the party who was with me, the republican senator from that county, at once made a pretty tart

reply, and there seemed to be a chance for a difficulty. I said to him that he had better take no notice of it, but pass along. There was nothing more occurred there. We went over to Livingston, in Sumter County, in the western part of Alabama; that is, Governor Smith, ex-Governor Parsons, and myself. We went to the court-house there and held a meeting. Governor Smith spoke first. He was a great deal interrupted, and a great many insulting remarks were made, but no violence was done him, however. He spoke from the door of the court-house. While he was speaking, a man came up and stood by him a portion of the time with a large knife in his hand, drawn. Other men came in with revolvers on their persons. One man in particular several times passed out by him, and pushed out through the crowd in front of him, although there were other doors of the court-house open through which he could have gone. He came in in the same way, very much to the interruption of the governor; he walked up to him while speaking, and took up the glass of water which was on the stand, and asked him if he did not want a drink of water. The man who stood in the doorway opposite the governor had a very large pocket dirk-knife in his hand, which he held in a brandishing way; part of the time he held it behind his back. I watched him closely, as I thought he was perhaps in liquor, and might attempt violence. I moved my chair up close to him, so as to be within reach of him, and gave him to understand that I was watching him. He then moved across on the other side of the hall and sat down. I walked across the hall, intending to give him to understand that I was watching his movements. I took out a cigar and asked him for a match, which he gave me. Directly two or three more men came in immediately behind the governor, and sat there, armed with revolvers in sight, and interrupted him by remarks, though they did not offer any violence. I walked back to one of them—the ugliest looking customer there—offered him a cigar, and asked him if he had a match. He took the cigar, gave me a match, and after awhile sauntered out. After Governor Smith got through, Governor Parsons followed. He was interrupted a great deal, but no violence was offered to him. I spoke after him, and was not insulted or interrupted. It began to rain, and we adjourned the meeting and went over to the hotel. After we had been there a little while four or five young men came over and inquired for Burton, the republican candidate for lieutenant governor, who was with us. One man walked up to him and wanted to know if he was the editor of the Demopolis Republican, and he answered that he was. It was evident, from the man's manner, that he was in liquor, and intended some violence; his comrades there seemed to understand that. I stepped up by the side of Burton, when a comrade of the man—I was told that his name was Reno—came up and took him away. Burton then went into the house, and went up stairs. I went into a lower room—the office or reception-room of the tavern. Perhaps twenty of these young men came in after me. I remained there alone with them, for Governor Smith, Governor Parsons, and Mr. Burton had gone up stairs. I remained with them some time. They made some slight remarks, and I walked around among them and looked at them. They said that they thought candidates ought to treat. Finally they dropped out one by one, and went off. After awhile four or five came back, and again inquired for Burton. The landlady came up stairs and said that some men wanted to see Mr. Burton. She was crying, and said, "I hope you will not go down; I think they want to kill you, or do you some violence; they are in liquor, and I wish you would not go down." I said to Burton, "You stay here, and I will go down and see them." The landlady said, "No; if anybody goes down there will be trouble." She said that she would tell them that Burton was not there. Finally the young men went off. I was unarmed; my usual habit is to go unarmed. I asked Burton if he was armed, for I was satisfied that they meant violence to him. He said he had a couple of Derringers in his pocket. I said to him, "They may assault you as we go to the depot; you had better give me one of them." He did so, and I put it in my pocket. Toward evening we went to the depot without being disturbed at all. From there we went over to Eutaw, in Greene County. Governor Smith, Governor Parsons, and myself were advertised to speak there at a republican meeting. The next morning we saw posters calling a democratic meeting for the same day, announcing that several of the leading men of the State, the democratic candidate for governor, the chairman of the State committee, I think ex-Governor Watts, and I think one or two others of the leading men, would speak there. I knew very well that they were not there, but were engaged elsewhere; that it was impossible for them to be there. I told several of my friends that that was unfortunate; that it was a very significant fact that they should call a democratic meeting on the same day with the republican meeting in a county like that, and in the then excited state of public feeling. I said I thought it was intended to make difficulty, or if not intended, that that would be the effect of it. I expressed that same opinion to the sheriff, and said that I thought no prudent, well-meaning man, however devoted to his party he might be, would call opposing political meetings in a county like Greene upon the same day. I noticed by the posters that the democrats from all the adjoining counties were invited to come in. But Governor Smith sent for the sheriff and for General Crawford, who was in command of the troops in the State. The State was made into a military district, and General Crawford was

in command of the district, and was there in Eutaw at the time. The governor, the sheriff, General Crawford, and myself had an interview together. Some of the older citizens, like Judge Miller, who was before the committee yesterday, and Governor Parsons, who knew the people there very well, stated that there was going to be difficulty. I replied that I hoped not. They said they knew the people better than I did; that there was a riot in contemplation there; that the intention was to break up our meeting. We expressed these fears to the sheriff. He said there were a great many young men there, and that they had been drinking. I noticed, as I walked about, a large number of young men all armed, most of them showing revolvers in plain sight; they were gathered about the saloons. The sheriff said that he could keep the peace. Governor Smith asked him if he wanted the troops to assist him; there was one company of United States troops, under the command of Major Leighton, encamped in the outskirts of the town. The sheriff said he did not want them to assist him. Some one of the party said that there were evident indications of a disposition to make trouble there that day, and asked the sheriff if he had not better have the troops. The sheriff said, "No; the bringing of the troops in here might be construed into a provocation—might irritate the people; keep the troops out of sight, and I will be responsible for the peace. I will keep it, or die in the attempt;" that was his language. "I have a hundred men here that I have sworn in as deputy sheriffs; they are sober men, and I can depend upon them." It was evident from his conversation, from the fact that he had sworn in a hundred men, that he himself was apprehensive of difficulty. It was decided not to bring in the troops. We then concluded to invite the democrats to a discussion. A committee was appointed to wait upon their leading men, inviting friendly discussion. Judge Miller, Congressman Hays, and S. W. Cockrell were designated as our committee.

The CHAIRMAN. We have had a pretty full statement from Judge Miller in reference to that invitation.

The WITNESS. I have here the original note of invitation, together with the reply from the democratic committee.

The CHAIRMAN. You can go on and state it.

The WITNESS. The invitation, signed by Judge Miller, Mr. Hays, and Mr. Cockrell, was as follows:

"EUTAW, *October* 25, A. D. 1870.

"*To the President of the Democratic Club:*

"We propose to appoint a committee of two to meet a committee of two from your party, to arrange the terms of discussion for the day, to meet immediately at the circuit clerk's office.

"WM. MILLER.
"CHARLES HAYS.
"S. W. COCKRELL."

To that invitation the following reply was sent:

"GENTLEMEN: In answer to your note of this date, we, the committee appointed by the president of the Democratic and Conservative Council of Greene County, are instructed to say, that we do not consider the questions in the present political canvass debatable, either as to men or measures; and that we, therefore, in behalf of the democratic and conservative party of Greene County, decline any discussion whatever.

"J. J. JOLLY,
"J. G. PIERCE,
"*Committee.*

"EUTAW, *October* 25, 1870."

Receiving that reply, we then proceeded to the court-house. The democrats had organized their meeting on one side of the court-house, speaking from a stile there was there. Upon consultation with the sheriff of the county, who was a democrat, we concluded to go to the other side of the court-house, entirely out of their way, and organize our meeting. I suggested to the sheriff that he had better clear the court-house, and either guard or close all the doors but that from which we spoke. I was really apprehensive of difficulty, of danger, of extreme violence. He said he would clear the court-house and give us possession of it, and let us speak from the doors, so that we would be in no danger except from the front. He failed or was unable to do so. A party of these young men were in the court-house, and he could not or would not clear them out. These young men were about us and urging us to speak. They seemed to think that we would abandon the meeting. They got around me and said, "Go on, General, and speak." We set a table out in front of the window of the office of the circuit clerk, Captain Smith, who was a friend. We told him to lock his door and keep it locked, and to stay inside, so that whatever danger there should be would be in front. I got upon the little table (it was about three feet square) and com-

menced speaking. I spoke, I suppose, for an hour. I made, I think, such a speech as I always make—kind, conciliatory, with nothing in it that would give offense to any one. I was interrupted a great deal, and insulted many times. And here allow me to say that the town of Eutaw is the only place in the State where I have been seriously interrupted or insulted. Except there, I never received a personal insult in the State; in fact, I never had an individual come up to me and make insulting remarks at any other place. I never was interrupted in a meeting in any other place in the State except by some drunken man on the outskirts of the crowd, who might cry out, "That is a damned lie," or something of that sort. But here there were about 2,000 men, I suppose; of that number I suppose 1,800 were colored men. Perhaps 10 or 15 of the whites were republicans, and the rest of them were democrats, mostly young men, and all armed; you could see the arms on most of them. They gathered on the right and left of the stand, at the corners of the court-house, and made a great deal of interruption, so that it was very difficult for me to speak. I kept my temper, however, and finally concluded my remarks. While I was speaking one of these young men climbed up on the table beside me, sat in the window right behind my back, almost touching me, and, finally, got into Captain Smith's room. I felt quite apprehensive during the time I was speaking that some of these men might attempt some violence; but no violence was offered. After I got through Governor Parsons spoke; he was treated in about the same way. He made a very kind speech; I remember that he extolled General Lee very highly. After he got through, the white men there, the democrats, made a call for Hays, who is the member of Congress from that district and lives in that county. He was present with his little child five or six years old. It had previously been understood between Mr. Hays and myself that he should not speak, as the feeling against him in the county was stronger than against any of the rest of us; he said he did not desire to speak. But when Governor Parsons got off the stand, a number of the young men, democrats, called out for Hays by a general shout. I said to Hays—I do not know that he heard me, there was so much noise—"Do not get up there." He got up on the stand; I was sitting with my hand resting on the little table; he said afterward that he got up there simply to thank them and to adjourn the meeting. When he got up there these young men raised a tremendous howl, almost deafening. He stood there, with his hat behind him in his hand, perhaps half a minute, waiting for the howling to subside. The republicans, the colored men, were standing still, not saying a word. I sat inside on the table. Suddenly a man standing there reached up and caught Mr. Hays by the arm or by the coat and jerked him violently, either pulling him off the table or obliging him, perhaps, to jump off the table to save himself from falling. Thereupon the sheriff seized the man, caught him by the shoulders, and took him rather violently into the court-house hall, as I thought in good faith. As he went into the court-house these white young men disappeared from both sides of the stand; those on the left ran into the hall, and those on the right ran into the court-house; I thought at the time it was for the purpose of rescuing this man. But within a moment shots were fired; perhaps it was hardly a moment before the first shot was fired. I heard them from the left, just over my shoulder from the window. The table was standing by the window; the shots were fired just over my shoulder. I had not got out of my seat, but turned around and saw a man come out of the court-house hall and level a pistol at the negroes, who had turned and fled at the first fire. He fired and cocked and fired again, at a distance perhaps of fifteen feet from the negroes. I caught up the papers in my hands and walked very deliberately to the right, in order to get out of the way of the firing. There came around from the right-hand side of the court-house a pretty good line of men, thirty or forty, I should think. They came around all together, and formed a tolerable line across from the corner of the court-house to the fence, and commenced firing on the negroes, who had broken down the court-house fence and were fleeing away as fast as they could. These men cocked their revolvers and fired upon them as rapidly as they could. I looked at them for a moment, and then walked up to them as they were firing. I saw some colored men falling on the grass and then scrambling up and moving off. I walked up to these men and held up my hand in a deprecating manner, and said, "For God's sake, stop this." One of them who was nearest to me turned around and cast a kind of defiant but yet somewhat surprised look at me. One of them leveled his pistol upon us, Governor Parsons, Mr. Brown, and myself; he was standing about the length of this table distant from us. He leveled his pistol at Governor Parsons. The Governor said, "For God's sake don't shoot at me; I have done you no harm." The crowd stopped firing and turned their attention to us. Just at that instant the sheriff came around with his arms spread out and said, "Stop this; stop this!" The man stopped for a moment and seemed to be deliberating whether he should shoot Parsons. He then saw Mr. Hays on my right; turning a little to one side to avoid me, he threw his pistol down upon Hays and Mr. Brown, who were both together, and tried to shoot them. They both sprang behind me; I saw them getting behind me, and squatting on the ground to avoid his fire. By that time the negroes had been driven out of the court-house yard and across the street, where they had

stopped and turned, and began to fire back; a few were firing back. Just at that moment I heard somebody call out, "Boys, hold your fire!" The firing then ceased. I started and walked out through the crowd right among them. I suppose there were forty or fifty of them all standing there with their revolvers in their hands, smoking, as they had been firing.

Question. Did you understand that cry to be addressed to the negroes or to the white men?

Answer. To the white men; the negroes were too far off; it was addressed to the thirty or forty white men in the court-house yard. He cried out, "Boys, hold your fire." I walked out through the crowd deliberately. Just as I was getting out of the crowd somebody from behind struck at me and knocked my hat off; I just felt the blow on my head, but I could not tell who it was, for when I turned around his hands were dropped, whoever it was. I guess it was pretty lucky I did not know, for the blow aroused me a great deal and I am afraid I should have lost my self-possession. I turned around to pick up my hat, when another man kicked it; then another kicked it; and then the whole crowd one after another played foot-ball with it, and kicked it across the yard. I started back to get it, when a man by the name of Dunlap, a democrat, who seemed to be in accord with the party there, walked up to me and took me by the arm in a friendly sort of way, and said, "General, you had better get away from here, or you will get hurt." I said, "I want my hat first." I turned back to get it, when somebody brought it to me. Dunlap walked by my side half way across the street, and then left me, and I went to the hotel. In a few moments I saw the troops come on to the ground. However, before I got to the hotel, as I walked across the street, I heard a man say, I saw him. "Boys, form a line across the street." They turned and formed a line across the street at right angles to the impromptu line which they had formed when they first fired on the negroes. Just as I got to the hotel the troops came up between the negroes and these men who were firing, and there the matter stopped. That was all that I saw of the affair myself, excepting that as we were walking away from the hotel to go down the street with Mr. Cockrell for the purpose of staying at his house that night, I saw some negroes hauling away a wounded man on a dray. That is, I saw one man within the shafts of the dray, and there was a wounded man lying on the dray, which this man was pulling down the street. I was walking down with Governor Smith and Governor Parsons. I stepped out into the street and asked the man what was the matter; he said the man had been shot in the riot. I saw a bullet-hole in his thigh; his thigh was broken. I asked him if he could not get anybody to take him away; he said no, that all were afraid to help. I gave him $10, and told him to send for a physician and to hire somebody to help him off. We then went down and staid all night with Mr. Cockrell. We left in the morning and took the train at 5 o'clock to go down to York, on the Selma and Meridian Railroad, intending to go back to Selma. We had been advertised to speak at Tuscaloosa on the second day afterward; but we had all concluded that it would be very dangerous to go there; that it would be at the most imminent risk of our lives to do so, and that we had better not go. I adhered to the idea of going for awhile, but they finally prevailed upon me to give it up, and I went with them as far as York station. When I got down there I changed my mind, and told them I was going back to Tuscaloosa whatever the consequences might be. I went back alone; none of our party went with me. I went back to Eutaw the day after the riot, and took dinner there. I saw this man Dunlap sitting across the street in front of a saloon, and recognized him as the man who had come up to me the day before. I walked over to him and asked him if his name was Dunlap. He said it was. I said, "You came up to me yesterday and took my arm and asked me to come away." He said, "Yes," and seemed to be somewhat surprised. I said, "I recognized that as a friendly act, and I want to ackowledge it as such." He said, "You were in great danger." I said, "I suppose you thought so; at any rate I recognize it as a friendly act, and want to thank you for it." I went to Tuscaloosa and we held a very quiet meeting there the next day.

Question. How many persons were wounded at that Eutaw meeting?

Answer. We have no means of knowing; the crowd scattered at once and the wounded men were carried off. I have no means of knowing certainly; I only know what I have heard from others. Mr. Hays has told me that from the best information he could get, picking up information from negroes and others there, there were some fifty-four wounded, of whom some three or four, I think he said, had since died. This man whom I saw with his thigh broken I understand afterwards died.

Question. You say you had a peaceful meeting at Tuscaloosa?

Answer. Yes, sir. I may say here that two years before I had been at this same town of Eutaw, and had been prevented by a mob from speaking. I began making a very quiet speech upon old whig points, and was interrupted by a lot of armed men in my front, who said that no damned Yankee should speak there. One man said, "God damn him, his coat-tail is too short;" another man swore that no man who wore a plug hat should speak in Eutaw; another man said that no damned Yankee should speak there. After trying to reason with them, I finally had to give it up. It was the first

time I had ever been obliged to yield my freedom of speech, and I felt that I would rather be killed right there on the stand than to abandon it; I felt it was very much like running away from battle in time of war. Finally I satisfied my own self-respect by saying that I was in the hands of the local committee, and would abide by their decision. They agreed to give up the meeting. In Eutaw the mob expressed their willingness to hear Hays, who was a resident of the county, but said they would not hear me. That was in 1868. I went to Tuscaloosa a day or two afterwards, and there the famous Ryland Randolph, who was the editor of a celebrated paper there, with some others, interrupted Hays while he was trying to speak, and prevented him from doing so. They said they were willing I should speak, for they did not expect anything better from me than to be a republican; but for a native Southern man to be a republican was more than they would stand. I declined to speak unless they would let Hays speak also. Some of the citizens, among others the president of the Seymour and Blair club, came to me and said, "Our people want to hear you speak." William R. Smith, who was at one time a member of Congress, and Mr. Jamison, both came to me and said, "We want you to speak here; you can do so." I will say that while they were interrupting Mr. Hays this president of the Seymour and Blair club got up and appealed to the mob to let Mr. Hays speak. He said, "He has a right to speak; you are doing your cause more harm by acting in this way than he can do it." But they would not allow him to speak. They came to me to speak, for they did not want it to go abroad that a United States Senator could not speak there. I said to them, "This mob is as much your master as it is mine; you cannot control it. If you will get up here and say that I have as much right to speak as you have, that you will stand by me, and that the man who insults me insults you, I will speak." They would not take that stand. Finally, however, I said I would speak if Mr. Hays had no objection; but the sheriff of the county sent up word not to speak, for they would kill me on the stand, and I finally gave it up. The last time I went over there I was alone, and spoke for perhaps two and a half or three hours. Mr. Randolph was there at that time, and some twenty or thirty leading democrats, who remained there most of the time, and listened attentively to my speech. Mr. Randolph remained there a part of the time, and listened very attentively to me. After that, during the remainder of the canvass, so far as I saw, it was very quiet.

Question. Was this the only portion of the State of Alabama in which persons were not free to express their political sentiments on either side, let them be what they may?

Answer. I may say that I never have been interfered with at any point except Eutaw. I have canvassed the State three times, and have never been interfered with at any other place. But there are a great many counties in the State, and always have been, where it has been regarded that any republican coming there to make speeches does it at personal peril. I think now that any man—any republican—who should go into the counties of Greene, Sumter, Choctaw, Pickens, Fayette, or Washington to make a republican speech would do it at great personal risk of his life.

Question. Upon what do you base that belief?

Answer. From personal observations in Greene County, in Sumter County, and in Pickens County, of the temper of the people there; from the many outrages which I am satisfied from the testimony of others have been committed; from the tone and temper of the papers published in those districts; and from the uniform testimony of republicans who have been in those counties, and who live in them.

Question. Does that result from the general intolerance of republican sentiment among the mass of the people, or is it because of the fact to which you alluded in reference to Tuscaloosa—the inability to control the mob element in those counties?

Answer. I think the newspaper editors and the democratic politicians are mainly responsible for the extremely bitter and intolerant feeling which prevails toward republicans in the State; and that out of the feeling which grows from their bitter newspaper articles and their inflammatory speeches on the stump and in conversation, flow these acts of violence. I think that in Greene County—which, as I am perfectly satisfied, is entirely under the control of the mob, where the law is as powerless as it possibly can be to punish anybody for offenses of this character—I think that even in that county there is a large body, perhaps not a majority, though possibly there may be a majority, of the solid people of the county who disapprove of these things, and would be glad to see the law rigorously enforced and these desperadoes brought to punishment. But they are as much afraid of the mob as we are. Many of their men, men of character, will sit down and talk with me, and deplore all this. They will sometimes warn republicans of danger and say, "Don't use my name; my life would not be worth a cent if I were known in this matter." They are afraid of the vengeance of the mob, and they are afraid to take any steps to put it down. The bitterness of their utterances is pretty well illustrated by a little incident that occurred on the cars one day as I was traveling. A young lawyer of Shelby County, a man of ability and education, whom I had met, came and sat down by me. He expressed a feeling of kindness to me personally, but speaking of Governor Parsons, he said, "Damn him; he

ought to be hung." I said to him, "See here, young man, you have character and position and office in your county; you do not believe what you have just said, and you would not be one of a party to hang Governor Parsons; but you make that remark, and the mob, when they get drunk, go and carry it into execution; that is the way the thing is done." He replied, "I know that is wrong." Now that is a fair illustration of it. I will give you another one. I heard the chairman of the democratic State committee last fall, when Governor Smith was making a perfectly legal contest for his place as governor, and thought he was in danger and called for some troops, I heard the chairman of the State committee, who was a man of ability and a lawyer, say, in a speech which he made right under my window at the hotel, "Governor Smith is in no danger; he need not call for the troops, but he knows he ought to be killed, and therefore he is afraid." Now, when leaders make such remarks as those, the mob, when they are inflamed with liquor, will carry them into execution and think they are doing right.

Question. Have there been any prosecutions in any of these counties, of which you have spoken, against persons for offenses of this character?

Answer. I do not know that there has ever been a man indicted for it. An attempt was made in Greene County to find out who were the murderers of some negroes there some time ago. The solicitor was very vigilant and earnest in his work; but a band of disguised men came to his hotel and killed him, and that was the end of it.

Question. You have spoken here of the proportion of whites to colored persons who attended that meeting at Eutaw; I think you said that out of the two thousand persons present there were eighteen hundred who were colored men, and that of the whites there were probably fifteen or twenty republicans, while the remainder were democrats. Does that proportion in regard to party relations hold among the white and colored persons throughout the State of Alabama?

Answer. We have no means of knowing exactly what is the white vote in the State. It has been variously estimated. Last year we polled for Governor Smith, I think, about 78,000 votes, if I recollect aright; but we have no means of knowing what proportion of them were white. There is quite a difference of opinion about that. We can only judge by the number of votes that we poll in counties where there are no colored people comparatively, for we carry counties that are all white, with scarcely any negroes. I suppose that of those 78,000 votes somewhere between 10,000 and 18,000 were cast by whites.

Question. I put the question to you with the view of following it up with the inquiry whether the hostility of this mob element to the negro race is not an element of these disturbances, as well as political hostility?

Answer. Undoubtedly; the hostility is largely caused by the fact of negroes voting, and voting the republican ticket.

Question. Are the counties named by you the only ones in the State in which you say this insecurity exists in reference to free discussion?

Answer. Judging by the latest test, the campaign of last fall, I should say that so far as my knowledge and observation went, there was no violence except in the counties which I have named, although in some of the southern counties of the State every republican who goes there feels that he does it at great personal risk. I would say that even in a large portion of the southern counties it is so.

Question. Can you name some of those southern counties?

Answer. I do not remember all the counties that I have already named over; I might enumerate them again.

Question. You spoke of some of the southern counties.

Answer. Republicans would generally feel that there was more or less of personal danger and risk in going into a portion of Russell County, for instance; into parts of Conecuh and Baldwin Counties; perhaps into some others which I do not now remember the geographical position of.

Question. You have spoken once or twice of Demopolis; is that the name of a county?

Answer. No, sir; it is the county seat of Marengo County.

Question. Have there, within your knowledge, been instances of whippings and scourgings of individuals in the State of Alabama arising out of the same causes which led to the riot of which you have spoken?

Answer. I cannot testify to anything of that kind of my own personal knowledge, only as I have heard of them.

Question. Have there been any such whippings or scourgings in that part of the State in which you live, near Montgomery?

Answer. No, sir; that has always been a very peaceable and quiet region. Montgomery and Autauga County, and the region round about there, during the time I have lived there, have been as peaceable and quiet as any portion of the country. I have lived as a planter in Montgomery and Autauga County for the last five years, and I have always said that I have been treated by my neighbors with as much kindness and cordiality as I would expect in the State of Ohio or anywhere else.

Question. Has your attention been directed to the effect of the riot at Eutaw upon the vote of Greene County?

Answer. Yes, sir; we can calculate in regard to the votes of the counties pretty well by the number of colored men in the county and the number of white men in the county. Greene County gave General Grant over 2,000 majority, though I think no large republican meeting was held in the county; there may have been some local meetings. We have about 2,500 majority in the county; we expected to have 2,500 votes there last year. Yet the county went democratic, it was reported, by 35 votes. When the report was first received nobody believed it; everybody thought it was not so. And there can be no question among democrats or republicans, among intelligent, candid men, that it was owing to violence, very largely to the riot, that voters were intimidated and kept away from the polls or led to vote the democratic ticket. I have no sort of question, I think no candid democrat in the county or in the State but what would admit, that if every man in Greene County was left free to vote just as he wanted to, just as you would vote in Pennsylvania or in Missouri, the county would give from 2,000 to 2,500 republican majority.

Question. What has been the effect in the State of Alabama of the passage of the law for the purpose of punishing these lawless outrages by persons in disguise?

Answer. I think upon the whole the effect has been good. While the law has been very severely denounced by the members of one party, yet I think upon the whole the effect has been to diminish, if not to suppress, violence. What I have said of Greene County I think is true of the whole State; I think that a majority of the white people of Alabama desire that these acts of violence shall be suppressed, desire peace and quiet. I find no one in either party who, in talking with me, does not denounce such acts. The fair-minded ones admit that such things exist, and deplore them. I think when you get away from the politicians and get among the substantial men, the planters, the business men of all classes, you will find them opposed to these acts of violence; and they would be glad to have any measures taken by the Government that would suppress this mob violence and give peace and quiet and security to the people of the State; give freedom of political action; I have no doubt of that. But the matter has come to this point, that everybody is afraid of the mob. No one man wants to set himself up against it, or attempt to array power against it, lest he be made a victim. It has come to this point in those districts where this mob element most effectually rules, that simply to be a democrat is not a protection, if you speak against the mob. You dare not condemn these parties lest you be marked as a victim.

Question. If a sub-committee were to visit the portions of your State affected by these troubles, would they receive aid from the white population there in discovering who are the leaders of this mob, and who gave encouragement to these lawless acts?

Answer. I think that would depend a great deal upon this fact: if they were convinced that the Government was determined to suppress these acts of violence and crush out the mob, and that they would be secure from personal harm, I think you would get all the help and aid you would need. But so long as they are in doubt as to that they would be afraid to testify; they would be afraid lest after you went away, and it should become known that they had testified to facts within their knowledge, they themselves would be singled out to be murdered, or have their property destroyed, or something of that sort.

By Mr. VAN TRUMP:

Question. Would those individuals, who would be willing to testify under the circumstances you have indicated, be any more alarmed or afraid about testifying there than here, if the evidence they might give here should be published?

Answer. I think there would be a little difference, though I think there would not be much difference. The only difference would be this: the testimony they might give here would not be known there for a long time afterwards. But should you go there, the fact that they went before you would be known, and the knowledge of their testimony might be immediate. The danger would be of a sudden ebullition of passion against them. You can best understand this, perhaps, by a little illustration. I met the other day a gentleman, whose name I do not mention from regard to his personal safety. He is an old citizen of the State and a leading democrat; a man with whom I have had political discussions upon the stump. He gave me some information since I have been in Alabama this last time, but he cautioned me that I must not use his name nor let it be known that he gave me that information, for if it should be known his life would not be worth anything to him. Now that man is as heartily opposed to this violence, and as heartily deprecates it and desires it suppressed, as I do, or anybody else does.

By the CHAIRMAN:

Question. Are the persons who committed these acts of violence organized?

Answer. I have no doubt of it, though I have no personal knowledge that I could testify to of such an organization. But from all the information which I have obtained

the conviction in my mind is perfectly clear that these parties are organized; that the organization exists throughout the State; and that they rely upon that fact for their protection.

Question. Is it your belief that the exposure of the persons who control that organization would have a tendency to break it up?

Answer. I think it would. They now depend upon their organization, upon their numbers, upon their intimidation of witnesses and judges and juries, for immunity from punishment.

By Mr. VAN TRUMP:

Question. That is your opinion?

Answer. Yes, sir; I am expressing my opinion. Whenever you shall convince them that there is a power which can take cognizance of their crimes and punish them, you will put a stop to them. And you will find a very large body of people at once ready to rally to your support. It is a great deal down there as it was in Ohio when mob violence against abolitionists prevailed some years ago.

Question. The same as mobs between the two political parties?

Answer. Only in those times in the North they resorted to eggs and rails, while in the South they resort to the scourge and the pistol, the bowie-knife and the halter.

By Mr. BLAIR:

Question. When did you go to Alabama to reside?

Answer. In the fall of 1865.

Question. Were you not at that time a State senator in Ohio?

Answer. Yes, sir.

Question. Had your term expired then?

Answer. No, sir. You asked me when I first went to Alabama. It was in 1865, but I did not then take up my residence there. I was elected a senator to the Ohio legislature.

Question. For how long a time?

Answer. For two years.

Question. You served during the term.

Answer. Yes, sir; I served during the last session, until April, 1867

Question. When were you elected to the United States Senate as a Senator from Alabama?

Answer. In July, 1868.

Question. You had been a resident of Alabama then how long?

Answer. Something over a year.

Question. You served as a senator in the Ohio legislature until the fall of 1867?

Answer. The last session of that legislature expired in April, 1867, although my term legally did not expire until the 1st of January, 1868. My term as senator in the legislature of Ohio began on the 1st day of January, 1866.

Question. You were elected in Alabama a United States Senator in July, 1868?

Answer. Yes, sir; in the latter part of July.

Question. Was not that a source of a great deal of prejudice against you in Alabama? Was not it much spoken of there that you were in fact a State senator in Ohio, at the time that you were elected a United States Senator from Alabama?

Answer. I think so.

Question. I do not mean that the fact was so, but I think I have seen that statement made. Was it not so?

Answer. I know this: I think I may say very safely that there has been a little more attack upon me since my speech in the Senate last winter, detailing the account of this Eutaw riot, than before. And I think there is some feeling there because they think I have been instrumental in making some opposition to Mr. Goldthwaite taking his seat. But apart from that—and I think all the democrats in Alabama will bear me out in saying so—there is less prejudice against me there than against any other leading republican in the State.

Question. I do not speak of it as a matter of personal prejudice against you, but as a fact that you were, as it were, recent among them, and was so very recent among them as to have been a Senator in the State of Ohio within a very brief period before you were elected United States Senator in Alabama. That I think would indicate that you had perhaps gone there for the purpose of availing yourself of their condition at that time to get an office. I think the prejudice against you, so far as I have seen anything in regard to it, grows out of that fact, without any reflection upon your character as an individual.

Answer. I think I may say—and as my testimony is to be made public, I will rely upon the democrats of Alabama to make my statement good—I think I may say that if I had gone there with the view of seeking office I should have taken up my residence there at once; I would not have been there for two years incapacitated from holding office in Alabama, by reason of retaining my residence in Ohio. I think that

is a pretty good answer to that suggestion. In the next place, I think it is very well known in the county of Autauga and in Montgomery, where I live, that I did not take any active part in politics, except to talk to my neighbors, who came in to see me. I was known as a republican, and in favor of amnesty for the past, so far as the rebellion was concerned. I did not attend the county convention, I did not look for a nomination, I did not try to get into the constitutional convention, I did not try to do anything, except to get the people there to make a decent ticket in my county. And when they made one which I did not think was either decent or respectable, I got on my horse and went up to the court-house, and told them that I could not support it, and urged them to make one that was respectable. When I became interested in the admission of the State in 1866, I told them very frankly that if they expected to succeed in Alabama they must make a better ticket in the county where I lived than they had done. So far as I am concerned, I bought property there in 1866; I invested what little I had in land there. The leading democrats of the State, among others General Clauton, chairman of the democratic State committee, have come to me and said: "General, when we talk about carpet-baggers we want you to understand that we don't mean you; you have come here and invested what means you had in property here, and you have the same interest here that we have." I think I may say further that if the choice had been last winter between me and any other republican in the State I should have received the democratic vote.

Question. I do not think that is at all improbable; but I was not pressing the inquiry to that point. In reference to this riot at Eutaw which you have described, I was asking these questions because of their bearing upon that narration.

Answer. I do not think that was personal to me at all.

Question. You say you were there; that you made a speech which you characterized as a conciliatory speech?

Answer. Yes; I never made any other.

Question. We do not know exactly what a conciliatory speech means; it may have embraced ideas that were quite obnoxious to the persons present. However, my question was more especially to the point of whether they did not regard you as a person who had been clothed with the office of United States Senator for Alabama, without having been a resident of the State for such a time as would entitle you to become a Senator; as having been elected by the votes of negroes alone, for their votes, of course, carried the State for the republicans. My question was directed to the point of eliciting from you whether you were not regarded as an obnoxious person on account of your very short residence in the State.

Answer. I do not think that is true. Of course the fact of negro suffrage, the whole system of reconstruction, through which and by which I came to the Senate, all that is obnoxious to a large body of the white people of Alabama; there is no question about that. But that being the case, that being fixed, and somebody to be elected, I think I may say without egotism, that the white people of Alabama would be at least as willing, if not more willing, to have me represent them in the Senate as any other republican in the State, whether he be native-born or new-comer. I have had very little to complain of personally; there has been scarcely a personal attack upon me, as I have said, while a great many people, nearly all the people, let me alone socially very severely, yet I have always been treated courteously. During my five years residence in the State, canvassing the State several times, I have never even been interrupted, except in one or two instances. I have had a great many men as they stood around me look surly and ugly, and bad; but I have never had any personal insult offered me. I think that is due in fact to my being open and above-board; they never have caught me stealing anything, and I do not believe that they now think I will steal. I have been open and square in the expression of my opinions; I have not seemed to be afraid of any one or two men; if I am they do not know it. I have been sincerely desirous to let the past be past. When the war ended I took ground in favor of general amnesty; I maintained that against my own party, honestly and sincerely all the way through.

Question. Do you think the refusal to grant amnesty has been a cause of irritation to the people of Alabama?

Answer. Yes, sir; I think that has been a mistake, and that it has tended to increase the difficulties there.

Question. Suppose the result of the war had been different, if you can imagine such a case, and the State of Ohio had been reconstructed upon the same principle as the South has been, do you not think that people there would have been bitter and hostile, and have made a noise at meetings, if they had had such a condition of affairs forced upon them as has been forced upon the people of the South?

Answer. If the people of Ohio had been reared and educated just as the people of the South have—in fact, if they had been Southern people, trained to their ideas and institutions ———

Question. I do not ask that question. But simply take the people of Ohio as they are, and reared as they have been. If they had had a government forced upon them

by the Congress of the United States, one so entirely opposed to their views and wishes, and Southern men had come up there and offered themselves as candidates, being probably the only persons who were qualified to take office under the government forced upon them, the rest of the people of Ohio being disqualified, do you not think it would have been a cause of considerable irritation?

Answer. Well, if Ohio had gone into a rebellion against the General Government and had got whipped, I think the people whipped would have felt bad and sore. But I would be very sorry to believe that they would have resorted to assassination and violence.' I would rather believe that the people of my native State, after they had been whipped in a fair fight, would have given up and accepted the situation.

Question. Well, they might have done it if it had stopped there, and they had not been gouged after they were down.

Answer. I will say that I have never met a fair, square, honorable soldier I could not talk to. Still there are a great many confederate soldiers who have been drawn into this organization which has committed these acts of violence.

By Mr. VAN TRUMP:

Question. That is your impression?

Answer. That is my impression. I know it from such information as I can gather that the instruments of the organization are confederate soldiers. But so far as my observation goes of the men who commit these deeds, they are of the worst possible class of confederate soldiers; worse even than the bummers of our Army; a great many of them are men who never were confederate soldiers, never were in the army at all. These editors, who are stirring so much bitterness, who, I think, are responsible more than anybody else for the extreme bitterness that prevails, are almost without exception men who did not do any fighting.

By Mr. BLAIR:

Question. When was this organization formed, that you think is in operation there?

Answer. I do not know that I have a distinct idea when it was formed, from any personal knowledge. I know nothing more about it than you know from your investigation, and from what you have seen in the papers, but I should think it was started pretty early after the war closed.

Question. Do you not know that organizations of negroes were made prior to the existence of any of these organizations? Do you not know that the negroes were organized in what are called Loyal Leagues?

Answer. Negroes were organized into Union Leagues or Loyal Leagues after the adoption of the reconstruction policy; that is the first knowledge I ever had of them. I never belonged to a league myself.

Question. Do you not know that the Union League organization preceded the other?

Answer. No, sir; I do not.

Question. Is it not the impression through the South that the Union League organization was anterior to the other organization?

Answer. No, sir; my impression is to the contrary, that what is called the Ku-Klux organization, or something like it, was prior to the organization of what is called the Union Leagues. The Union League organization was simply a political organization; there was nothing military about it; no arming, no drilling; it contemplated nothing in the world but voting. I know of its operations very well, just as I knew of Know-nothingism in Ohio, though I belonged to neither organization. I was not a member of the League, though it was a political organization.

Question. In speaking of the result of some of your elections, you spoke of the intimidation of voters, the intimidation exercised by the Eutaw riot, &c. Do you not know that the negroes were in the habit of using intimidation upon people of their own color, in order to compel them to vote the radical ticket?

Answer. No such cases ever come under my observation, nor do I remember ever to have even heard of any case of violence within my State, of anything more than persuasion and perhaps personal denunciation. I have heard of cases of personal denunciation, of saying to a man that he was a traitor to his race. I never have heard of any case of violence. I know that in our town of Montgomery we had one colored man, a hack-driver there, named Levi Floyd. I noticed the announcement in the democratic paper there that "Levi Floyd, a colored man, drives hack No. 4; he is a good democrat and is deserving of all patronage." He never was molested that I know of. Of course the pressure is very strong upon the colored people to all vote one way. Yet, I know that in the Grant campaign there were two or three colored men making speeches all over the State for the democratic ticket. I met one or two of them in my canvass who were making speeches for the democratic presidential ticket.

By Mr. VAN TRUMP:

Question. Did you know that any of these negroes were armed there at Eutaw when you, among others, proposed to have a joint discussion?

Answer. No, sir.

Question. They were armed, in fact, as I understand you to say?

Answer. A few of them were armed; I saw one man who had a revolver.

Question. I understood you to say that when the negroes got across the street they turned and fired some shots.

Answer. I did not see any of the firing, but I heard some shots from that direction. I could not, where I stood, see a negro; that is, where I stood speaking to the crowd of young men who were firing upon the negroes. I did not see any guns or pistols in the possession of the negroes.

Question. Do you not know that at the very moment that this white man took Mr Hays by the sleeve and dragged him down, some one in the crowd ordered the negroes to fire?

Answer. No, sir.

Question. Is it not the public opinion in Greene County that such is the fact?

Answer. I do not think that anybody believes any such thing; it is charged so, I know. But the idea is so ridiculous; everybody knew that the negroes were in terror; that all they wanted was to hear the speeches and go home quietly. They were in terror from the very moment that we went there. We were merely anxious to make our speeches and have the crowd go away. I was praying every moment that they might be able to get away without difficulty.

Question. It was your impression, and the impression of the white republicans with you on that occasion, that there was danger of trouble that day?

Answer. Yes, sir.

Question. Did I understand you correctly awhile ago as saying that right in the midst of that crowd Mr. Hays had a child of some four or five years of age?

Answer. Yes, sir.

Question. A girl, or a boy?

Answer. A boy.

Question. With him at the time?

Answer. Yes, sir.

Question. Was Mr. Hays one who had expressed fears of an outbreak prior to the inauguration of the meeting?

Answer. I do not remember whether he had so expressed himself or not. He lived in the country some ten miles from there and did not come in until pretty late in the morning, a little before the committee was appointed to which I have referred. I do not remember now what he said, although my impression is that he anticipated difficulty, and that he so expressed himself.

Question. That, as I understand, is the only instance of direct and distinct trouble at a political meeting in all your experience in Alabama?

Answer. At any meeting where I have spoken myself. I have heard from the reports of other speakers of other meetings being broken up.

Question. That little scene at Demopolis did not strike you as very remarkable?

Answer. O, no.

Question. Have you not seen worse scenes in Ohio, time and time again, between the two political parties?

Answer. I do not know that I have.

Question. You were not there during the memorable campaign of 1863?

Answer. No, sir; I was in another campaign at that time.

Question. You do not know that all over Ohio political meetings were broken up?

Answer. No, sir, I do not know that; I was in the Army at that time. I have had rotten eggs thrown at me in Lincoln County, Ohio.

Question. You say that you do not know that there is any great prejudice against you among the white people of Alabama on account of the shortness of your stay in Alabama before your election to the Senate?

Answer. I do not think there was.

Question. Do you not know that there was very general comment in the press of the State in regard to that fact?

Answer. Yes.

Question. Pretty severe, too?

Answer. Yes.

Question. And opposition made to you on that ground?

Answer. Yes, I think it was a point that they thought they could make political capital out of.

Question. Would it not be a point calculated to excite the people, whatever the object of the newspaper was?

Answer. The comment was about as free in Ohio, among my democratic friends there, as anywhere in the country.

Question. It has not been usual, in regard to so high an officer as United States Senator, for a man to be elected from a State within a few months after he went there, has it?

Answer. I suppose not.

Question. And it has produced some excitement against you in Alabama?

Answer. Still I do not see the pertinency of that, for I have been treated more kindly there than any other republican in the State. I never have had a personal indignity offered me, except what I have here stated. Of course they could have killed me in that crowd. And during my last contest, I have it from the very best authority, indeed the chairman of the democratic State committee sent me word, that although they should elect a democrat if they could, still if they were obliged to have a republican, they would rather have me. I know that General Chilton, formerly a confederate general, and now of the supreme court, was openly in favor of my election; he said, "Let us elect Warner anyhow: he will do as much good for us as a democrat."

Question. If I understand you, however ridiculous it may be in your opinion, it is still the fact that it is claimed in Greene County that an order was given to the negroes to fire at the time that Mr. Hays was pulled down from the stand?

Answer. I never heard that there was an order given to fire. The story charged in the Eutaw Whig, a democratic paper there, and which I understand was sworn to before the grand jury there, was that Mr. Hays fired the first shot. I have seen that in the papers; I have heard it talked about. Now, Mr. Hayes was all the time as close to me as Senator Blair now is, and it would have been as impossible for him to have fired a shot without my seeing it as it would be impossible for Senator Blair to do so now.

Question. Are you not mistaken as to that particular fact? Is it not possible that Hays gave the order to fire, although he did not fire himself, as he was pulled off the stand?

Answer. No, sir. Judge Miller told me yesterday—

Question. I will merely say that that was the information which I have received since Mr. Hays was examined yesterday.

Answer. I never heard that any order was given to fire. I have indeed heard it said, and seen the statement in the newspapers, that Hayes fired the first shot. When we were at Mobile, during the last month, I was summoned as a witness to attend the trial of these rioters. The district attorney of the United States, as he told me, postponed the trial because of the absence of Mr. Hays. He said the reason was that he had found out that they had evidence to offer that Hays fired the first shot, and he wanted Mr. Hays's testimony on that point.

Question. There was an attempt at an investigation of this affair, I believe?

Answer. I think some nineteen have been indicted before the United States court.

By Mr. BLAIR:

Question. And their trial is now pending?

Answer. Yes, sir.

Question. And was recently postponed?

Answer. It was postponed last month.

Question. Because of the absence of Mr. Hays?

Answer. That was the reason given by the district attorney; there were one or two other witnesses absent also.

Question. You have made the statement several different times in your testimony, that one of the difficulties in this matter was to get people to testify on account of their apprehension of danger from this organization. That idea has been made to figure very largely not only in your testimony, but, as you know, in the debates in the Senate and in the House of Representatives. It was given as a reason why this committee should take this testimony in secret, the fear that the witnesses would be injured upon their return home. I recollect very distinctly that that point was made during the debates of the last Congress, while you were a member of the Senate. I think it was also made in reference to other investigating committees. Yet there has always been some committee going on ever since the war was over. Now, I want to know if you have ever heard of any one who testified before one of these committees being injured after his testimony was published?

Answer. Do I know of any one who has been punished by these people for the testimony that he may have given here?

Question. Yes, sir.

Answer. I do not know of any case.

Question. You have not heard of any such case?

Answer. No; I do not know that I have. I do not know that any witness has ever been summoned here from my State.

Question. I speak of all the testimony that has been given during the last Congress and the Congress preceding the last. Testimony was taken here before investigating committees in reference to the condition of the Southern States. An attempt was made, at least in the other House, to reconstruct Tennessee. Testimony was also taken in reference to Georgia. Then there was the late North Carolina investigation. All that testimony has been published, I believe, and has gone to the country.

Answer. I do not remember that I have heard of anybody being harmed for that reason.

Question. Under the circumstances, would you not conclude that it was not quite so dangerous a business after all to give testimony?

Answer. None of these witnesses have come under my personal knowledge; there has been no one summoned here from my State, that I know of. Of course I know nothing about what has occurred in North Carolina and Georgia.

By Mr. COBURN:

Question. Has your attention been called particularly to this question of outrages upon witnesses?

Answer. No, sir; I have not within my recollection now the name of any person who has been summoned here.

By Mr. VAN TRUMP:

Question. I would like to have you give your opinion—I think that would be proper—as to what would be the most efficient mode of arriving at the true state of affairs in the Southern States, comprising as they do eleven States, with a geographical area almost equal to the half of Europe, and a population of eight or ten millions. Would it be better to go there directly as a committee, and look into the affairs there, or stay here and examine comparatively a very few witnesses?

Answer. My advice would be to go there. What I would like to have would be for this committee to go right to Eutaw, where these very acts I have been testifying about occurred. What I want are the facts, and I think that would be the better way to get them; I want the exact truth. If I could photograph the condition of affairs at the South precisely as the Lord sees them I would do it.

Question. I do not mean particularly in regard to Eutaw, but generally in regard to this whole investigation. Your opinion is that the best way is to go South?

Answer. I think so.

By Mr. STEVENSON:

Question. You spoke of the apprehension of danger on the part of witnesses. Is there not a difference between an investigation like this, a mere inquiry, without any judicial consequences to follow it, and the case of prosecuting a man for a crime, which prosecution might involve his imprisonment or execution?

Answer. Undoubtedly there is.

Question. All these investigations that have taken place here have been mere inquiries, not followed by any personal consequence to anybody.

Answer. They amount to not more than a speech.

Question. Mr. Hays is a native of Alabama?

Answer. Yes, sir, of Greene County.

Question. Is he not a large landholder there?

Answer. Yes, sir; I understand from him that he has some ten or twelve thousand acres of land there.

Question. Is the sheriff there, of whom you have spoken, the same sheriff who afterwards appointed the officers of election?

Answer. Yes, sir, as I am informed; his name is White.

Question. You spoke of the prosecutor of Greene County, or the solicitor, whatever you called him.

Answer. County solicitor.

Question. Did you know him?

Answer. I had met him, and had been introduced to him.

Question. He was afterwards killed there?

Answer. Yes, sir.

Question. Was he a native of the South?

Answer. Yes, sir; an old resident of the county.

Question. Was there anything about him, that you know of, to make him personally obnoxious to the people there?

Answer. No, sir; he was a man of good character, of fair ability; a reputable man in every way.

By Mr. BLAIR:

Question. You know Judge Miller, who testified before the committee on yesterday?

Answer. Yes, sir.

Question. Is he the United States collector for the port of Mobile?

Answer. Yes, sir.

Question. He holds that office now?

Answer. Yes, sir.

Question. And he was here in reference to that office; there was some effort to displace him, and he was here to countervail that effort?

Answer. I have understood that to be the case.

By Mr. STEVENSON:

Question. You spoke of the arms which members of the crowd had at that meeting; what arms were they?

Answer. Revolvers.

Question. Did they seem to be new or old, so far as you saw?

Answer. I did not notice that point very carefully; I saw they shot pretty well.

Question. Were they revolvers of much size?

Answer. Those I saw I should think would be what are called six and eight-inch revolvers; I think I observed some of both sizes.

By Mr. POOL:

Question. What was Governor Lindsay's majority at the last election?

Answer. He did not have any majority.

Question. I mean his majority as counted.

Answer. It was 1,400 and something, as counted. He did not have a majority of the whole vote of the State.

Question. You mean that was what his partisans claimed for him?

Answer. That was the result announced by the lieutenant governor.

Question. Less than the former republican majority in Greene County alone?

Answer. Yes; less by 600. His majority was declared to be 1,400 and some odd. Russell County was not returned at all; there never has been any returns from that county, although it gave Smith 1,400 republican majority. Washington County was not returned for some reason or other; it gave Lindsay 600 majority. And in other counties, of the votes that were cast some were thrown out, more than his majority, on the ground that they were illegal for some reason or other.

Question. I speak of the majority claimed by Lindsay's friends. Was any white person hurt in that Eutaw riot?

Answer. Not that I ever saw or heard of.

Question. If the order had been given to the negroes to fire, would you have heard it?

Answer. Yes, sir.

Question. Could it have been given without your hearing it?

Answer. I think not, unless it was given on the extreme borders of the crowd. It could not have been given anywhere about the stand, where the firing began, without my hearing it.

Question. The sheriff, who took an active part in trying to suppress the disturbances, was a democrat?

Answer. Yes, sir.

Question. Do you know anything about the burning of any school-houses or churches in your State?

Answer. Only by report; not from personal observation.

Question. Have you heard that they have been burned to any extent?

Answer. I have heard from others, and I have seen the statement in the newspapers, that several had been burned; I cannot tell how many.

Question. What sort of school-houses and churches were they that are reported to have been burned? Those of colored people?

Answer. Yes, sir.

Question. Did you ever hear those reports denied?

Answer. I do not remember to have heard much conversation about it. I presume there has been less of it in our State than in many other States. In fact, I cannot recall now any particular church or particular school-house that has been burned. But my recollection is distinct that I have heard of such cases. There has been nothing of that kind in the section where I live.

Question. You stated that you believed there was an organization, a secret organization, at the foundation of these disturbances. What is that organization called in Alabama?

Answer. It is commonly known as the Ku-Klux organization.

Question. Do the persons committing the acts of violence of which you have heard, go in disguise?

Answer. Generally. The parties at this meeting were not in disguise. But generally the acts of violence are done by men in disguise.

Question. Have there been any attempts at investigation of any of these disturbances, by the local tribunals in Alabama?

Answer. Yes, sir; an attempt was made in Greene County, by the county solicitor, Mr. Boyd, to ferret out the murderers of some negroes who had been killed there. Boyd went to work with a determined purpose to find out the murderers; and the governor sent over a lawyer to assist him.

Question. The object was to punish the offenders if convicted?

Answer. Yes, sir; whoever they might be. Boyd was killed while the matter was pending, and that was the end of it.

Question. While the investigation was going on?

Answer. Yes, sir.

Question. Were any of the witnesses summoned on that investigation hurt?

Answer. I do not know; I cannot say.

Question. Have you ever heard of any witness being injured because of his testimony?

Answer. I heard of Mr. Cockrell being beaten, who was summoned to testify with me at Mobile. He is a lawyer of Eutaw and was present at the meeting when the riot occurred.

Question. Should the county authorities attempt an investigation for the purpose of indicting and punishing the persons committing acts of violence in the disturbed districts, do you suppose the witnesses would feel safe to testify there?

Answer. No, sir.

Question. Suppose that, whether safe or not, they should testify, would they be in danger?

Answer. I have no doubt they would be in danger of personal violence, and of their lives. I have no doubt that in the counties I have mentioned, particularly in the counties of Greene, Sumter, and Pickens, any witness who had information of one of these outrages, and who should testify to that effect, would be killed.

Question. Suppose that a witness, or a half a dozen witnesses, should disclose, upon a preliminary examination, that they had knowledge and proof sufficient to insure a conviction before a petit jury whenever the trial should take place—their being men of character of course would be an element of weight in the testimony—would those witnesses be safe in the county during the time between the investigation and the trial afterward to take place?

Answer. I think not, in the counties I have mentioned.

Question. Do you think they would ever be allowed to appear at that final trial?

Answer. I think not.

Question. Is that the reason why justice cannot be obtained against these men?

Answer. That is one very strong reason.

Question. Do you, from your own knowledge of the people in the community there, suppose that these turbulent people rely upon that fact?

Answer. I have no doubt of it. I would say that this young Cockrell, who I believe is to testify here, was brought out of the county and to Washington, as I heard, to save his life. The district attorney, Mr. Southwick, said that it was important that young Cockrell should be got out of the country and kept safe as a witness.

Question. Suppose a section of this committee were to hold a session in the town of Eutaw, and summon a number of witnesses, who should appear and testify clearly as to the guilt of several individuals in that county of these Eutaw murders, then suppose that that fact should become known, would they be safe in the county after the committee left?

Answer. I think if they testified as to individuals having committed specific crimes, if they furnished information that might lead to their prosecution and possibly conviction, and that should become known there, they would not be safe; but if they testified generally as to the commission of crimes, without designating any individual they might not be disturbed.

Question. You think as long as they testified about no one by name they might get along in safety?

Answer. Yes, sir.

Question. But if they should name individuals they would be in danger?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Some questions have been put to you based upon suppositions; now do you know of any case ever having occurred in those counties where men have been prosecuted for their lives and witnesses have been killed for testifying against them?

Answer. I do not know of any case of prosecution.

Question. Then it is simply a matter of supposition with you?

Answer. It is, and of opinion founded upon threats made, and upon at least one outrage upon a witness which has come under my personal observation, and of which I have information.

Question. You have heard of one witness having been struck and beaten?

Answer. Yes, sir.

Question. That is the amount of it; that witness is now living in Eutaw, is he not?

Answer. At the last accounts which I heard he was living, although in a critical condition.

Question. Do you not know that it is stated that he was not beaten because he was a witness?

Answer. I never have heard it so claimed.

Question. Was it not so claimed in the Eutaw Whig?

Answer. I do not see that paper; I do not know it was so claimed.

Question. I have here an article copied from that paper in which that statement is made.

Answer. I have not seen it.

Question. Then that one instance, occurring in one of these counties, and threats that you have heard of in other counties, lead you to suppose that witnesses would not be safe?

Answer. That, and the general opinion of everybody living in those counties with whom I have conversed. Even Mr. Hays, who lives in that county, when he wrote me an account of this Cockrell affair, begged me not to use his name, as he was living there in momentary danger of attack. I know that is the case with parties in all sections. They send letters without signing their names, but giving means of identifying them in other ways.

Question. May not that be just exactly the same sort of pretense which is made in Congress here about summoning witnesses here? In the debate in the Senate that was made a great point; yet a week afterwards the report was made public, disclosing everybody's name who testified. Is not Mr. Hays's letter, and the reports of other persons there, equivalent to these Congressional speeches?

Answer. I do not know.

By Mr. VAN TRUMP:

Question. In your examination-in-chief you said that this company of United States troops, under the command of Major Leighton, came up about the time the negroes had been firing, and stopped the whole thing.

Answer. Yes, sir.

Question. How long a time had intervened from the commencement of the firing to the time when the troops came up?

Answer. Under such circumstances, in a scene like that, which was the wickedest one I ever saw, it is impossible to estimate time.

Question. Was it a short time?

Answer. Yes; I should say ten or fifteen minutes.

Question. How far was the camp of the troops from the court-house?

Answer. I should say about three-fourths of a mile.

Question. Then the troops must have been stationed somewhere near the meeting, so as to be in readiness for a difficulty?

Answer. They were, I suppose, within a half or three-quarters of a mile. Troops on the double-quick would come that distance in a short time. I walked out there in the morning, and suppose that it was from a half to three-quarters of a mile from the court-house.

Question. Was it pretty generally known to the people that you had taken General Crawford into consultation in regard to holding these meetings?

Answer. I do not know that they knew it; that was not the fact. The meeting was called without my knowledge.

Question. Either you or Judge Miller, on yesterday, stated that General Crawford was in consultation with you about holding the meeting there.

Answer. He had a consultation with the sheriff about preserving order.

Question. The sheriff knew that he had been talked with upon the subject?

Answer. The governor, General Crawford, the sheriff, and myself, talked together there. The governor and the general both asked the sheriff if he needed assistance in preserving order.

Question. Then the probability is that the crowd more or less had cognizance of the fact that the general had been consulted about keeping order there with his troops.

Answer. I do not know; I have no information upon that point; the sheriff may have told them.

By the CHAIRMAN:

Question. You mentioned an instance in which one prominent member of the democratic party had given you some information, and requested that his name should be kept secret. Have any others of the same party made the same request of you?

Answer. Not at that time.

Question. At any other time?

Answer. I do not recollect any other instance. That impressed me at the time as a noble example of an old citizen.

Question. Did the manner of his information, and of the circumstances, satisfy you of his apprehension?

Answer. Yes, sir; the circumstances were these: the circuit judge of the circuit, who is a republican, and a very good man, wrote to this man to know whether it would be safe for him to come to his town and hold court. This lawyer, who is well known all over the State, wrote to him that it would be. This is what he tells me himself. He said that after he wrote that letter he thought perhaps he might be mistaken, and

he concluded that he would go round town a little and make inquiry among the boys, and see if there was any such feeling as would render it dangerous for Judge Smith to go there. He said that when he came to inquire he was satisfied that it was not safe for Judge Smith to come there, that his life would be in danger. It was in that connection that he begged that his name should not be used, or that the matter should not be made public; for he said that his life would be in danger, if it was known that he had stated that much.

By Mr. COBURN:

Question. You have said that it would have been unsafe or impossible to make a republican speech in certain localities. Would it be equally unsafe to make any sort of a political speech? If not, will you state what kind of political speech might be made in safety?

Answer. A democratic speech could be made anywhere, at any time.

WASHINGTON, D. C., *June* 3, 1871.

WILLIAM E. COCKRELL sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Eutaw, Greene County, Alabama.

Question. How old are you?

Answer. I am sixteen years old; going on seventeen.

Question. Were you with your father as a witness in the United States court, in Mobile, a few weeks ago?

Answer. Yes, sir.

Question. In what case were you taken there as a witness?

Answer. In the case of Robert Hamblett and others.

Question. For what were they to be tried?

Answer. For the riot at Eutaw that prevented Mr. Hays from speaking.

Question. Was your father there as a witness in the same case?

Answer. Yes, sir.

Question. When was it that you went to Mobile as a witness?

Answer. The last time was in April last, I believe; I am not certain as to the time.

Question. Were you returning home with your father?

Answer. Yes, sir; on the steamboat Cherokee.

Question. Tell us now whether that boat was visited by any persons, and whether they beat your father; tell us what they said, and all that occurred at that time.

Answer. We went up on the Cherokee, and when we got to the Eutaw landing, where we had intended to get off, the water was all over it, and we could not land there; we then went on up to Finch's Ferry; as the boat was going to stop there all night, we concluded to stay on the boat till morning; it was three miles, from there to town, where we lived; while we were sitting there in the cabin a crowd of men, some seven or eight, came in; I did not know but one of them; Jo Reynolds was one that I knew; we sat there while they came in; they passed by us, and asked for Judge Smith; no one answered them, and they went up to the clerk's office, but they did not find his name there; while they were in the clerk's office pa got up and went back into the cell, or berth, where he slept; they then came out; I was standing by the clerk's office when they came out, and they asked where my father was; I told them I did not know where my father was; I knew they were up to mischief; I left them then and went around to the back door of the cell or state-room to tell pa about it; the back door was fastened; he had it barred; I called to him, but he did not answer; I then went out on the upper part of the boat, and was looking out, when all at once I heard a great noise; I ran right in, pa was out of the state-room, and a man was striking him; the fellow Waddell was striking him; I did not know him then, but pa told me who it was; Waddell was the one striking at him; I never had seen him before, and did not then know him; and Jo Reynolds struck him on the back of the head with a pistol as he was backing back.

Question. What did they say?

Answer. Waddell, every once in a while, would say, "You drew your pistol on me." Pa said to him, "I did not do any such thing." Then we come on right out of the boat and left, and went up home.

Question. Did they give any reason for making this attack on your father?

Answer. No, sir.

Question. Did you hear any reason given by them on the boat?

Answer. No, sir; I did not.

By Mr. BLAIR:

Question. You heard this man charge your father with drawing a pistol on him?
Answer. I have stated that.
Question. You heard him charge your father with drawing his pistol on him?
Answer. Yes, sir; and pa told him he did not.

By Mr. VAN TRUMP:

Question. Did your father have a pistol?
Answer. If he had, I did not know it.

By the CHAIRMAN:

Question. When they asked where your father was, did they say why they wanted him?
Answer. No, sir.
Question. Was Judge Smith expected on that boat?
Answer. Yes, sir.
Question. What for?
Answer. To come up there and hold court.
Question. Was there a court in Eutaw that week?
Answer. Yes, sir.
Question. Who held the court?
Answer. Judge Pelham came up in his place.
Question. To what extent was your father injured?
Answer. He was badly hurt where Reynolds struck him on the back of the head with his pistol; he bled a great deal.

By Mr. VAN TRUMP:

Question. I thought you said Waddell struck him?
Answer. Waddell was before him striking him; and when he was backing back Reynolds struck him on the back of the head with his pistol.

By the CHAIRMAN:

Question. Was he wounded and bleeding?
Answer. He bled pretty freely.
Question. Was he confined to his bed from his injuries?
Answer. He staid in bed one day afterward.
Question. Were you present in Eutaw at the time the riot occurred there?
Answer. Yes, sir.
Question. And that was the reason you were called as a witness?
Answer. Yes, sir.
Question. Is this all you know about the transaction on the boat at the time your father was hurt?
Answer. Yes, sir; all that I recollect.
Question. Do you know whether your father had a pistol or not?
Answer. I do not know; I did not see him with any.

By Mr. COBURN:

Question. You were with him after the transaction?
Answer. Yes, sir.
Question. You saw no pistol?
Answer. No, sir.

By the CHAIRMAN:

Question. Were there other witnesses on the boat?
Answer. There were two men on the other side; I do not know whether they were witnesses or what they were; but they came down to attend the trial.
Question. Were they returning on the same boat with your father?
Answer. Yes, sir.
Question. If witnesses, were they for the Government or for the defendants?
Answer. For the defendants.
Question. Was this Reynolds one of the party who had been indicted?
Answer. I do not know whether he was indicted or not.
Question. Had he been down at Mobile?
Answer. Yes, sir; but he left before we did, and went to Eutaw.
Question. Was Waddell one of the party to be tried at Mobile?
Answer. No, sir; he came over from Eutaw with a hearse bringing a body to be buried; and the river rose so high that he could not go back the way he came, and had to go down by the boat.
Question. Have you any knowledge of the reason why they beat your father?
Answer. No, sir.

By Mr. BLAIR:

Question. Your father has recovered?
Answer. Yes, sir; now.
Question. Is he at home in Eutaw?
Answer. Yes, sir.

By Mr. STEVENSON:

Question. How old is your father?
Answer. He is forty-six, I believe.

By the CHAIRMAN:

Question. Why did you come to Washington; were you subpœnaed to come here as a witness?
Answer. No, sir; I received a telegram to come.

WASHINGTON, D. C., *June* 3, 1871.

ARTHUR A. SMITH sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?
Answer. My residence is now in Choctaw County, Alabama, about six miles from Mount Sterling, and about eight miles from Powell, the county seat.
Question. What is your occupation?
Answer. I am carrying on a plantation now.
Question. Did you formerly reside in Greene County?
Answer. I did.
Question. Up to what time?
Answer. I have not been there since about the 20th of December last; I cannot now give the exact date when I left there.
Question. Were you in Eutaw on the day when the two political meetings were held there in October last?
Answer. I was.
Question. We have already had some descriptions of the riot that occurred there, and do not wish to encumber the record with much repetition of testimony. If you know any facts which show that there was any preconcert of action for the purpose of producing a riot there, will you state what they are?
Answer. Nothing more than the posting of the handbill for a democratic meeting there after the handbill for the republican meeting had been posted, together with the manner in which it was posted. At the time it led us to believe that it was for no good purpose. The poster was signed by no one, and it was posted in conspicuous places during the night. My office was in the court-house. We had a place in the passage-way of the court-house for posting bills. When I left there at night, about sundown, there was no bill posted there; when I came back there in the morning, about seven o'clock, there was one posted there, and also one in the probate office.
Question. Were you the clerk of the court at that time, with your office in the court-house?
Answer. Yes, sir.

By Mr. STEVENSON:

Question. Do you refer now to the night before the meeting?
Answer. No, sir; I remember that Major Leighton arrived there with some United States troops on the 13th day of October, and this was the night before he arrived.

By the CHAIRMAN:

Question. Were any declarations made, during the progress of the meeting, which showed an anticipated disturbance? If so, state what declarations were made and who made them.
Answer. I was in my office while the speaking was going on; the stand was right in front of my office; I was sitting on a table something like this, in the center of the room; a deputy sheriff, named Hugh L. White, came in there while Governor Parsons was speaking; he said, "Smith, you will see the damnedest row here in a little while that you ever saw in your life." I said, "I guess not." After the affair occurred I thought that, perhaps, indicated that it was an understood thing. And other things went to show that it was a preconcerted plan. Afterward a friend of mine said that if he had thought I had been in any danger, being there in my office when the firing commenced, he would have sent for me and had me come away.
Question. Were there any other facts to show a preconcert?

Answer. None, of my own personal knowledge, more than the day previous to the meeting I saw a man by the name of Perkins fixing up his gun in his store. I do not know that that would be regarded as any indication.

Question. Did he take any part in the proceedings of the next day?

Answer. I could not say, of my own personal knowledge, that he did.

Question. Did you hear any one advise to wait before firing, that the time had not arrived yet?

Answer. That was a man named Robert Hamblett, who drew a derringer when Parsons was speaking, and said, "Let me kill the God-damned old son of a bitch." That was his language. Three or four grabbed his arm and held it up, and several of them said, "Don't shoot yet; it is not time." And that quieted him down. After the first shot was fired, then I heard a man say distinctly, "Go in, boys; now is your time."

Question. Who was he?

Answer. Colonel J. J. Jolly. And let me say here now that he was sitting with his back to me; he was sitting in the window, and there were one or two men between him and me. I could not swear to him, only from his voice, which I knew very well. I believe it was his voice that I heard make that remark. Immediately upon that the general firing commenced.

Question. What relation did he hold to the meeting—was he a republican or democrat?

Answer. He was supposed to be a democrat; he spoke in the democratic meeting.

Question. Was this at the republican meeting?

Answer. Yes, sir.

Question. The democratic meeting had then adjourned?

Answer. Yes, sir.

Question. Can you state any other facts, within your knowledge, to show that violence was premeditated there, or have you stated all that you know?

Answer. There was a man who came from Hale County, an adjoining county, the day after, and said that he met some men coming from Eutaw and going back to Greensboro; he met them at the river, and heard them say they had "been over there and made the radicals jump once, and would again if they had a meeting."

Question. Were you summoned as a witness to attend the trial of the parties at Mobile?

Answer. I was subpœnaed at Demopolis, upon the examination before the United States commissioner. That examination was postponed, on account of the absence of important witnesses, until the 26th day of December, at Mobile, the time the grand jury were to meet. I was subpœnaed to attend there. The examination was waived before the United States commissioner, and I was summoned to serve on the grand jury in the United States court.

Question. Having been summoned once as a witness, did any of the parties charged with the riot make any threats to deter you from attending?

Answer. When the warrants were issued for these parties—I think there were twelve of them—affidavits were made before the United States commissioner and warrants issued for their arrest; that was prior to the election some time, when the circuit court was in session. A deputy marshal came there expecting to arrest the parties. I, being the clerk of the court, they made known to me who were the parties. No others in the county knew for whom they had warrants. I assisted them as much as I could in identifying the parties. The grand jury of the county was in session at the time, and they investigated the case somewhat. I was summoned as a witness before the grand jury. Having on a former occasion been before the grand jury of the county in a very aggravated case, I did not like to go before them this time. I told my brother, who was the judge of the court, that, if it was possible, I wished he would assist me in keeping away from the grand jury. He said very frankly that he could not do so; that if I was subpœnaed I would have to go before them. I was subpœnaed to go before the grand jury on the last day of the session of the court to give evidence in regard to this riot. Before giving my testimony I told the grand jury that I had given testimony in the case of the assassination of Boyd; that they had taken a solemn oath not to divulge anything that transpired within the jury-room; and yet not three days had passed when my testimony was known all over the county. I told them I would rather go to jail than give my testimony there, unless it could be kept secret. They assured me that it should be as secret as the grave, and I gave my testimony. About three days after that, immediately after I came back from Demopolis—the court adjourned on Saturday, I went to Demopolis on Monday and returned on Tuesday—upon my return, word was sent to me from one of the parties against whom I had given testimony that he intended to shoot me on sight. He was bailiff, acting for the court at that time. After three were arrested a great many fled and went into the woods, this bailiff with the rest. Some arrangement was then effected by which these parties could come back to town. This man came into my office to get me to certify for his pay as bailiff, I was in there by myself; I said to him, "John, I understand that you said you were going to shoot me on sight; now, this is the first time we have met, and this is as good

a chance to do it as any; and if you can shoot quicker than I it is all right." He said that perhaps he had said so; but he was drunk. "But," said he, "there is one thing, you will not be permitted to testify before the United States grand jury." I replied, "We will see about that." I told him that his kind of men, when they came face to face with a man, did not seem to do very much. I talked to him in that way—I do not remember exactly what I said—to give him to understand that I was not particularly afraid of any one of them. That was the only threat made to me personally. Of course I heard rumors that I would be assassinated, &c.

Question. Were you at Mobile?

Answer. I was; I served on the grand jury.

Question. Were you there at the time Mr. Cockrell was there as a witness?

Answer. Yes, sir.

Question. Do you know anything about his being beaten on his return home?

Answer. Only from hearsay.

Question. Were you present in Eutaw at the time the assault was made upon Mr. Burton, the candidate for lieutenant governor?

Answer. Yes, sir.

Question. State the circumstances of that assault.

Answer. That was after the election, some time. Mr. Burton was the editor of a republican paper in Demopolis. By an act of the legislature he was designated as the county printer, not only for the county of Marengo, in which Demopolis is situated, but also for such other counties as the probate judge might designate. He did the county printing for Greene County. He came to Eutaw on some business connected with the probate judge, some collections. The train arrived at noon on Saturday. As Judge Davis, the probate judge, was not there, he (Mr. Burton) waited till Monday. On Monday morning I went to my office. I boarded with Judge Davis. Mr. Burton and Judge Davis came to my office; he went into Judge Davis's office first. There was a great deal of restlessness on the part of several men outside. That was somewhere about ten o'clock, I think. Mr. Burton came once to my office. I saw a great many men whom I knew to be desperate characters walking about, and apparently watching for him; I saw them on the streets, with their revolvers buckled on. I told Mr. Burton that I feared there would be trouble, and asked him to keep with me. I told him I was going across the square, to the office of Mr. Cockrell, who was a lawyer, and asked him to go with me. We walked along down there, and, after doing my business there, I told Mr. Burton I had some business with Judge Miller, who was at the probate office at that time, and if he would wait at Mr. Cockrell's office until I could go over there and attend to my business, I would come back and go down with him to take the train at 12 o'clock. He said he would do so, and I went up to Judge Miller's office. I was a little longer than I expected to be doing my business. In the mean time Mr. Burton started back alone. What I am telling you now about the first attack upon Mr. Burton is what he told me himself; I did not see it. As he was going along a man came up with a large stick and asked him if his name was Burton; he replied "yes;" he then asked him if he was the editor of the "Republican," and he said "yes." Upon that he deliberately struck at him with the stick with all the power he possessed. Mr. Burton dodged the blow, and the force of it turned him around. Mr. Burton had a little derringer in his pocket, which he then pulled out and cocked. The man pulled out a revolver. Burton said to him, "Who are you, and what do you want?" He replied, "I want you to put up your pistol." Burton said, "Put up yours, and I will put up mine." He put up his pistol, and Burton put up his. They then separated and walked off. After Burton had walked a little distance, this fellow ran up behind him and struck him over the head and knocked him down. Burton says that is the last he remembers of what took place then. An old negro, who was standing there and saw it all, told me that after the fellow had knocked Burton down with his stick he pulled out his pistol and snapped it at him, but it did not go off. He then clubbed him with the pistol, inflicting wounds which I afterwards saw. The fellow then ran off with a hoot, saying, "I've finished him." As I came from the probate office back into the court-house—there was a passage-way through the court-house; I came in at the north door, my office being on the south side—I met Mr. Burton coming into the door, reeling and staggering, his face all bloody, and head all cut. There were two men there, and I asked who had assaulted him. They said they did not know. Mr. Burton was not conscious what he was about at the time. He was bleeding very badly. After he had sat in my office a few moments, I saw that he was growing faint. There were perhaps fifty people in the street. I took Burton by the arm to help him to the house, which was about half a mile distant. I walked with him down over the same ground over which he had come; we went right through the angle of two streets. As I was walking along there were on each side of the street men with revolvers in their hands, and I heard several voices say, "Let us finish him, the damned son of a bitch." I stopped and pulled out my revolver, and told them that I would kill the first man that approached us. They then stopped. We went down home, I having to carry him a great deal of the way. When I got to the house he could not

stand. I immediately sent for the doctor. He came there and said Burton was in a dangerous condition, but he thought that perhaps he would get over it. A negro was sent for some plasters, and a man named Hardway sent word back by the negro that if Burton did not die, the doctor should give him something to kill him.

Question. How did you learn that?

Answer. The negro boy said so. Then Judge Davis told me in the evening that a former judge and some other men had told him to say to me that they intended to come down to the house that night and kill Burton, and that if I resisted them they intended to kill me also; I sent back word to those men that I was prepared for them, that I should resist them, and if they came there I intended to fight them to the last; they did not come. Burton had a sister living at Mobile; I telegraphed to her and to some of his friends, and she came up two days afterward with a gentlemen friend to take care of him and get him away as soon as possible. Going up on the train some man from Eutaw, John D. Steele, asked him if he was going to Eutaw; he said "yes;" he then asked him if he was going there to get Burton away; he said he was; the man then said that he had better not do it, because they did not intend to let him get away alive.

By Mr. VAN TRUMP:

Question. This is hearsay I suppose.

Answer. The man himself told me so.

By the CHAIRMAN:

Question. What was the motive for the attack?

Answer. I cannot tell.

Question. What did the man say to Burton?

Answer. All the conversation was this: The man asked him if he was named Burton, and if he was the editor of the Republican.

Question. Do you know the man who assaulted him?

Answer. Yes, sir.

Question. Who was he?

Answer. He was a man connected with the printing of the paper published in Eutaw called the Whig and Observer; I do not know what he was doing on it.

Question. How soon was this after the election?

Answer. I think it was from the 5th to the 10th of December; I will not be certain as to the exact time.

Question. Had Mr. Burton been particularly obnoxious in any way, politically or personally?

Answer. No, sir; there was nothing objectionable in the articles published in his newspaper. He never used the name of the man who assaulted him to my certain knowledge. It was always supposed that Mr. Burton did not know the man.

Question. Was the man arrested?

Answer. No, sir.

Question. Was any information laid against him?

Answer. It was done right in the face and eyes of the sheriff; I know the sheriff was right in town; I do not think there was any affidavit made against the party; I remember that Mr. Burton said to the judge of probate, Judge Davis, that if he would issue a warrant he might consider it sworn to by him; but he never made an affidavit against the party—not a regular affidavit, signed; I do not think there ever was a warrant issued for his arrest.

Question. Did the assault occur in one of the principal streets of the town?

Answer. Right by the court-house square.

Question. What is your system of administering civil justice; have you subordinate magistrates to take information?

Answer. The probate judge is also the county court judge; he has criminal jurisdiction.

Question. Was his duty to issue warrants originally?

Answer. It is his duty or the duty of any magistrate to issue a warrant. But this was a case of that character that it involved felony, and the county judge had no jurisdiction for trial. His jurisdiction extends only to cases of petty larceny, misdemeanors, and affrays. In this case the party would have to be bound over to answer an indict- by the grand jury.

By Mr. VAN TRUMP:

Question. In another court?

Answer. Yes, sir; in the circuit court.

Question. The probate judge had power to examine and commit?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Was this case ever examined by the grand jury?

Answer. The case occured in December. A court was held there a short time since, and I have been informed by young Cockrell, who is here, that this man is still at large; I do not know from my own personal knowledge.

Question. What were the party relations of this man who assaulted Mr. Burton; was he a democrat?

Answer. Oh, yes; he is noted as a very desperate character.

Question. Was he one of the parties engaged in the riot there?

Answer. Yes, sir.

Question. One of the defendants?

Answer. Yes, sir.

Question. Has Mr. Burton recovered from his injuries?

Answer. Not wholly.

Question. What knowledge have you derived from persons who have made complaint to you while you were the circuit court clerk of whippings and scourgings that have occured in Greene County?

Answer. My position there is circuit clerk, before whom by the laws of the State no complaints could be made, and I could not issue warrants. Several persons came to me and asked me to show them where they could make complaints; a great many have told me of scourgings and whippings, though not all that occured, I suppose; I know that at the commencement of the court last fall three parties came to my office, from the northern part of the county, and said they had been badly beaten; my brother was there at the time, and the grand jury was in session; he immediately called the attention of the county solicitor to the case, and had them subpœnaed before the grand jury; nothing was done, however, in regard to the matter.

Question. From information thus derived will you state how many whippings have occurred in that county? I do not ask you to give the details, but to state generally the number of whippings that have occurred.

Answer. There was the case of those three persons; then a man by the name of Cave Davis; I do not think I can recall more than six cases within the last year.

Question. Have any persons been convicted in the county for any offense of that character?

Answer. No, sir; not up to the time that I left there.

Question. How were these whippings represented to have been inflicted; by persons in disguise?

Answer. Yes, sir.

Question. By any number of persons?

Answer. All the way from five or six up to 25. These three men, or two men and a woman, who came to my office, said that there were some 20 persons came to their house..

Question. In the day-time or at night?

Answer. At night.

Question. How long have you lived in Choctaw County?

Answer. Since about the 1st of January.

Question. Have you any knowledge of the assassination of Mr. Boyd in Eutaw?

Answer. I was there at the time; I know that he was killed, but I have no personal knowledge of the manner in which he was killed. I saw him in the morning before he was laid out; I was among the first to see him in the morning. I did not know of it during the night when it occurred.

Question. At what time was that?

Answer. It was on the 31st of March, 1870. The sheriff told me that he saw the parties ride into town.

Question. Did he arrest any of them?

Answer. No, sir.

Question. Did he make the attempt to arrest them?

Answer. No, sir.

Question. How many did he say there were?

Answer. He told me that there must have been forty; I think that was the number he estimated them at.

Question. Did the sheriff understand why Boyd was assassinated?

Answer. He never told me, if he did.

Question. Did he say why he did not arrest the parties?

Answer. He said that it would have been folly for him to have attempted it.

Question. Were they armed?

Answer. He said they were armed to the teeth. I asked him why he did not let Judge Davis and myself know it. He said that he did not know why. The fact of the business was he let a few men know of it who would be the last to do anything like pursuing at night, immediately after it occurred. Judge Davis and myself, and Squire Cockrell, who were the only white republicans there, or who professed themselves to be such, did not know anything of it until the morning.

Question. About what time of the night did it occur?

Answer. The sheriff said it was fifteen minutes before 11 o'clock

Question. What is the population of that town?

Answer. From 1,500 to 1,800.

Question. If there were any disposition to arrest men of that kind in a town of that size, could a posse have been summoned at that hour of the night sufficient to have arrested some of them?

Answer. I think so; I remember that one old citizen there, Chancellor Clark, a prominent lawyer, asked the sheriff why he did not summon a posse. The sheriff said he could not have got anybody to have gone with him. The old chancellor said, "I would have gone myself."

Question. Is Chancellor Clark living there now?

Answer. Yes, sir; although he is a very old man, still he follows his profession as a lawyer.

Question. How old was Mr. Boyd?

Answer. I should think he was in the neighborhood of thirty years of age.

Question. Was he a native of Alabama?

Answer. Yes, sir.

Question. Was any reason assigned for his murder?

Answer. Yes, sir; there were several reasons assigned for it. One reason was that some fifteen years ago he and another man, a son of Judge Miller, got into a difficulty with a young man by the name of Charner Brown, and Brown was killed. Mr. Boyd was arrested and convicted for the killing of that man, and sentenced to the penitentiary for a number of years; I cannot say exactly how many. After he had been there a short time the jury who sat upon his trial, with other persons, petitioned to the executive for a commutation of his sentence, and he granted it. I think the governor at that time was Governor Winston. Instead of holding Boyd to his sentence they released him after twelve months in the jail. During the war Boyd served in the confederate army, not voluntarily I think; I think he remained out until he thought he would be conscripted if he did not go. He went into a sort of home guards. He was elected or appointed, I am not certain which, as solicitor of the county. It has been claimed by some that his murder was in retaliation for the killing of Brown fifteen years before; although the jury who tried him had petitioned to the governor and got his sentence commuted. Another reason given was this: prior to the 31st of March, some time during the first part of the year, a man by the name of Snoddy was killed: two negroes were arrested for the murder, and had a preliminary examination and were committed to jail to await the finding of the grand jury. A short time after they were committed to jail; whether they escaped or were taken out I cannot say positively—they were out of jail. One of them I think was found dead not long after, and soon after that the father of one of those men who had been committed to the jail, an old man, against whom there was no evidence implicating him in the murder, was found hanging to a tree. Mr. Boyd, being the county solicitor, had taken extra pains in the case, and had shown a great deal of earnestness in obtaining evidence to convict some parties of the hanging of this old man.

By Mr. VAN TRUMP:

Question. Were these parties white or black?

Answer. The man who was hung was black; the man whose body was found was black. Snoddy, who was killed, was a white man. The persons committed to jail were negroes, and the father of one of the men committed to jail was found hanging to a tree. Mr. Boyd being a man very eager in everything he undertook to do, if he had the least idea of success, could not keep it to himself. He did not hesitate to say that he had evidence sufficient to convict certain parties of the hanging of this old man, and that he intended to keep the grand jury in session for six months but that they should find an indictment against them. He told this to me as clerk of the court. I said to him, "If you have such evidence as that you had better keep it to yourself." The landlord of the hotel where he boarded said that Boyd told him the same thing in the hotel, in the presence of some of the very parties against whom he had evidence, and in a short time after that he was killed.

By Mr. POOL:

Question. Was the grand jury in session when he was killed?

Answer. No, sir.

By the CHAIRMAN:

Question. You have heard those two causes assigned for his being killed?

Answer. Yes, sir.

Question. Has any one been arrested for his murder?

Answer. No, sir.

Question. Was the subject investigated by the grand jury?

Answer. Yes, sir.

Question. Was there any identification of persons connected with the murder?

Answer. No, sir. In their report to the court the whole idea they conveyed was that the parties came from an adjoining county. They did not deny that he was killed by Ku-Klux, or disguised persons, but they conveyed the idea that the persons came from an adjoining county.

Question. Where had this man Brown lived?

Answer. In Greene County, some twelve miles from Eutaw.

By Mr. VAN TRUMP:

Question. Did you say the grand jury reported as a reason for not finding an indictment that the parties came from another county?

Answer. They conveyed the idea that the parties came from outside of the county.

Question. Was that the reason assigned?

Answer. I suppose they could not find an indictment against parties out of the county.

Question. Not for a crime committed in the county?

Answer. Not if the parties lived out of the county.

Question. Did they give that as a reason for not finding an indictment?

Answer. No, sir; not as a reason, though it was a reason. They could not identify any of the parties; but all they said was, that in their opinion they came from an adjoining county.

Question. What was the reply of your brother, the judge, to that?

Answer. He had the report of the grand jury filed and put upon record, and, of course, he had no reply to make to it.

Question. You think not?

Answer. He did not make any reply.

By the CHAIRMAN:

Question. Will you state what you know about the state of affairs in Choctaw County?

Answer. I was there after January, on my plantation; my brother has a plantation there of some four thousand acres; he is also a judge of the circuit court. I was there at the time the judge of probate was shot; I did not see him until the next morning; he said he was shot at about 3 o'clock on a Saturday afternoon. I saw him the next morning; I can only give you his story; I can state that he was wounded in the arm.

Question. What is his name?

Answer. F. M. Hill. I had seen anonymous letters that he had received; I have seen one since then warning him that if he did not vacate his office he would be killed.

Question. Did he make any statement to you on the next morning after that occurred?

Answer. Yes, sir.

Question. What was his statement?

Answer. He has a plantation some ten miles from the county seat; he is in the habit, on Saturday nights, of driving out there to spend Sundays; he went through a little village, of the name of Mount Sterling, and was going down a little hill, sitting in his carriage, driving with his left hand; he is a large, portly man. As he got near the bottom of the hill he heard the crack of a rifle and felt a little sting in the arm, and, turning his eyes, saw a man behind the fence, with his rifle sticking up through the fence. He could not identify the man, though he could see that there was a man there, and could see the rifle. He had no weapons with him, and immediately drove over the creek and went to a doctor, and had his wound dressed. The bullet made a flesh-wound; I saw him the next morning.

Question. Was there anything to show that that attempt at assassination was connected in any way with the discharge of his duties as probate judge, or with his political opinions?

Answer. Nothing that I know of. He had had previous warnings to vacate his office or he would be killed.

Question. What is there to show that that was more than an ordinary attempt at highway robbery or murder?

Answer. There is nothing in the thing itself, unless you connect it with the warnings which he had had.

Question. Is that all you know of that case?

Answer. It was investigated before the grand jury, but no indictment was found.

Question. He could not identify the man?

Answer. No, sir.

By Mr. VAN TRUMP:

Question. That is the reason no indictment was found?

Answer. Yes, sir.

By the CHAIRMAN:

Question. What other occurrence do you know of in that county bearing upon the subject of our investigation as to the security of life or property?

Answer. Immediately after my brother and myself left the plantation to go to Mobile to attend the trial of these Eutaw rioters, my brother's gin-house, engine—he had a very fine one—grist-mill, press, about five thousand bushels of cotton seed, intended to be converted into meal, the bridge which crosses the creek which divides our plantations, a very large creek, and about half a mile of fence, were burned. The bridge was not burned entirely; it was set on fire but put out before it was entirely destroyed. When I came up from Mobile, I went to the plantation to investigate the facts of the case. The men on the place said that they tracked four men to the gin-house from across the bridge; also, that from that point they tracked fifteen horses and mules up to what is called the cross-roads, some eight miles from the place. They also said that there was an old negro man who saw and counted fifteen men passing up there just about daylight, going on north towards Sumter County. Whether those men did this or not, we cannot say. But we know that the buildings were set on fire, because they were burned on a Thursday night, and the engine had not been used since the Saturday previous, and there was no fire anywhere about the buildings.

Question. Have there been any whippings in Choctaw County?

Answer. No complaints have been made to me personally, except in one case. A man on our place was summoned to appear before the court. I sent a note by him to go by the way of Mount Sterling, and get our mail on his return. He went for the mail, and his report and that of others to me was—there were two other colored men with him—that he was set upon and beaten by about twenty-five men in the place.

Question. Were they masked or in disguise?

Answer. No, sir.

Question. That was his statement about it?

Answer. Yes, sir.

Question. Have there been any proceedings in the county to compel the resignation of officers?

Answer. I was not present at any meeting for that purpose, because I had just gone to our home, at the time of the resignation of the sheriff and adjournment of the court when my brother was holding it. Perhaps I should say something about that. My brother commences his court in Choctaw County. Prior to the meeting of the court the sheriff told my brother that he intended to resign; that he did not think he could hold court there, the people were so excited. He was urged not to resign, and finally persuaded not to. The court was commenced and held the first week with good success and in quiet. The court was held on the Monday and Tuesday of the second week. Tuesday evening there was a great deal of disturbance in the town. A great many men came in there, and there was a great deal of boisterousness about the town.

Question. What was the cause of this excitement or disturbance?

Answer. I cannot tell you; it was the intention probably to break up the court. This was on Tuesday. The judge sent the sheriff out to stop the noise, and if the parties did not stop the noise to bring them into court. The sheriff went out and they were quiet. After the court adjourned they were about town cursing the damned radicals, and very noisy most of the night. Wednesday morning the sheriff handed in his resignation to the court, saying that he was no longer sheriff, thereby blocking the wheels of the court, and the court had to adjourn.

Question. Was the sheriff a republican or a democrat?

Answer. He was a republican. The judge asked the reason for his resigning, and he said that he had very reliable information that they intended to break up the court, and he could not keep order; so he would resign. Immediately after the court adjourned, an indignation meeting, as they called it, was held. The chairman of the meeting, as he took the stand, stated that the object of the meeting was to pass resolutions requesting the officers of the county, of the circuit court, and of the district, to resign, and if they did not resign to take them out of their offices. One man there by the name of Wiley Coleman, a lawyer and a democrat, and a very good man, came into the meeting and made a speech there. He told them that they would be sorry for that day's work; and he introduced some resolutions, which were adopted, a copy of which I have in my pocket.

WASHINGTON, D. C., *June* 5, 1871.

ARTHUR A. SMITH, examination continued.

By the CHAIRMAN:

Question. Was the proceeding narrated by you, at the close of your testimony on Saturday last, followed by the resignation of any of the officers of that county?

Answer. I do not know that it was the result of that meeting—it might have been because of an anonymous letter that he received—but the tax-collector of the county

resigned his office. That was the only one, I think. I am not advised as to whether the probate judge has resigned; he told me he should resign.

Question. Are you at present clerk of the circuit court in Greene County?

Answer. No, sir.

Question. Has your term expired, or did you resign?

Answer. I resigned.

Question. For what reason?

Answer. For the reason that I could not live there in safety.

Question. What prevented you from living there in safety?

Answer. Violence.

Question. Were any threats made against you?

Answer. There have been several anonymous letters sent to me. About the first of the year, after I left there, several people, who were friends to me as far as they could be, told my wife by no means to allow me to go back there, because I would not be permitted to go from the train to my boarding-place without being assassinated.

Question. Was that on account of your being a witness, or having participated in that meeting?

Answer. I have been told by several lawyers, particularly by Chancellor Clark, who is a leading lawyer there, that, so far as my official conduct there was concerned, there was no complaint against me. It may sound a little egotistical on my part, but he told me to my face that I made the best clerk they ever had there; they had nothing against me—that was before I was a witness; that they had nothing against me, only that I belonged to the usurping party.

Question. Did he communicate to you any desire that you should resign?

Answer. Not at that time; no, sir.

Question. Do you know of any school-house having been burned in that county?

Answer. I do. I was county superintendent of education for that county. I not only know of school-houses having been burned, but of men having been driven from the county because they were teachers in the colored schools.

Question. When did that occur?

Answer. That occurred in the last of 1869, and during the year 1870.

Question. Did you, in your official capacity as superintendent of schools, make any investigation into those cases?

Answer. I called the attention of the grand jury to them, and gave the names of several witnesses to be subpœnaed. I know there was no result of the investigation, so far as any one being even indicted or arrested.

Question. How many school-houses were destroyed in the county?

Answer. I now recollect five that were destroyed.

Question. By what means were the teachers to whom you refer driven away?

Answer. I had teaching there two young men from the North, and one who was not a northern man. Not only were threats made to them personally, as they reported to me, but they were given so long a time to leave the place where they were; and one man, who came from Circleville in Ohio—I think that was the place—told me that he would have to leave for fear of personal harm; and he did leave.

By Mr. VAN TRUMP:

Question. What was his name?

Answer. His name was, I think, S. E. Haynes. He was from Circleville in Ohio; I think it was in Greene County.

Question. Circleville is in Pickaway County.

Answer. The other man was from Indiana. His school-house was burned, and a note was left, telling him he must leave there within a certain time, or he would be harmed.

Question. Are you as distinct in your recollection that it was Circleville, Ohio, that this man Haynes came from, as you are that it was from Greene County?

Answer. I will not be positive as to the name of the town; I am sure that it was in Greene County, Ohio, and I think it was Circleville. I have letters in my possession which would give the information. His name was S. E. Haynes, or S. A. Haynes.

By the CHAIRMAN:

Question. How are your grand and traverse jurors selected?

Answer. The probate judge, the clerk of the court, and the sheriff meet on the first Monday in January of each year, I think, and select from the registered list of voters the names of those who are competent to serve as jurors. Those names are registered and put on file in the judge of probate's office, and duplicates of those names are put into a box. Twenty days before each court there are drawn from the names in the box a sufficient number for the juries. As they are drawn a list is made of them, and their names are put in another box. Two terms are held in a year, and they are drawn from that registered list. At the commencement of the next year a new list is made, and those of the old list who have not been drawn are put back into the box.

By Mr. POOL:

Question. How many names do you put in the first box?

Answer. I do not think there is any specific number; my impression is that they put in what is supposed to be a sufficient number.

By the CHAIRMAN:

Question. In drawing your grand and traverse jurors in Greene and Choctaw Counties, are there a fair proportion of colored men on the juries?

Answer. Yes; it was a good, fair drawing, with a fair proportion of each.

Question. Were the colored jurors notified, and did they attend?

Answer. We had a great many cases where they did not appear, and of course a default or forfeiture was entered against them. In their explanations or excuses, when the *scire facias* was issued to them, in a great many instances they said they were not notified; that was the case particularly in Greene County. My acquaintance in Choctaw County is not sufficiently extensive to enable me to tell; I have been there but a short time. But that was the case in Greene County. In regard to those who were notified—two instances of which I remember—they said that they were threatened if they served on the jury.

By Mr. BLAIR:

Question. How long have you lived in Alabama?

Answer. I have lived there since May, 1869.

Question. When were you made clerk of the court there?

Answer. I was made clerk in October, 1869.

Question. You became clerk of the court within five months after you went to Alabama to live?

Answer. Yes, sir.

Question. You were appointed clerk?

Answer. I was.

Question. By whom?

Answer. By the judge of the circuit.

Question. Who was the judge of the circuit?

Answer. My brother, L. R. Smith.

Question. How long has he lived there?

Answer. I think he went there in 1865.

Question. Where from?

Answer. I think he went from Michigan.

By Mr. VAN TRUMP:

Question. Are you sure he went as early as 1865?

Answer. The war closed in 1865. After he was mustered out he came east, and then went to Chicago and Detroit. When he entered the Army he went from Detroit. It is my impression that it was in the fall of 1865 that he went to Alabama; I will not be positive about that, but I know he was there during the first of 1866.

By Mr. BLAIR:

Question. When was he made judge of the circuit?

Answer. He was elected by the people at the same time that they voted upon the new constitution of the State, and when the other State officers were elected.

Question. That was in 1868, when the constitution was voted down by the people?

Answer. It was at the time that Governor Smith and others were elected; it was in February, 1868, I think.

Question. At that election, or at the first election there under the reconstruction laws, the constitution was voted down; a majority of the people voted against it, I believe. It was at that same election that Governor Smith was elected; but the constitution, nevertheless, was declared by Congress to have been adopted. Who had been clerk previous to your appointment?

Answer. A man by the name of Sidney Wormack, who died.

Question. How long did you retain the clerkship?

Answer. I resigned in January or February last; I forget the exact date.

Question. Was any violence ever offered to you while you were in that office?

Answer. There was no particular violence offered to me, except once; a drunken man came into my office and commenced to abuse me and threaten me somewhat, but I very soon got rid of him.

Question. Then the reason for your resigning was simply the anonymous letters you say you received?

Answer. That, and communications made to me through others, and then the general feeling there.

Question. Was any violence offered to these young men from New England, whom you appointed to teach school?

Answer. They were not from New England.

Question. Well, from the North.

Answer. Yes, sir; one of them reported to me that some men came to the place where he was living, in disguise, in the night, with pistols, and threatened that if he did not leave there within a certain time they would kill him or harm him.

Question. Were you one of the supervisors of election in 1870?

Answer. Yes, sir; I was a member of the board of supervisors. The board is constituted of the probate judge, the clerk of the circuit court, and the sheriff of the county.

Question. Each has equal authority in that board?

Answer. Yes, sir.

Question. Did you assist in appointing the officers of election for that year?

Answer. I did not.

Question. You did not perform that part of your duty?

Answer. No, sir.

Question. Who did it?

Answer. The probate judge and the sheriff, I suppose; the laws say that any two of the board can perform the duty in the absence of either member.

Question. You are now living in Choctaw County?

Answer. Yes, sir.

Question. With your brother, the judge?

Answer. Yes, sir.

Question. Is he still judge of the circuit?

Answer. He is; that is, he was at last accounts.

Question. You were in Mobile recently, on the trial of the Eutaw rioters?

Answer. Yes, sir.

Question. As one of the witnesses?

Answer. Yes, sir.

Question. The trial was postponed?

Answer. Yes, sir.

Question. Do you know the reason of its postponement?

Answer. It was postponed on account of the absence of an important witness on behalf of the Government.

Question. Who was that witness?

Answer. Major Charles Hays.

Question. Were there many other persons there as witnesses on the part of the United States?

Answer. My impression is that there were several there; every one who was subpœnaed to be there was there, I think, with one exception.

Question. How many persons were indicted for that riot?

Answer. There were twenty persons indicted.

Question. Were they in custody or on bail?

Answer. I think ten were on bail; the others were at large.

Question. They had never been arrested?

Answer. No, sir; I think there were ten at that time; I do not know whether there have been any arrested since then, or whether any have come in and given bonds.

Question. Did you see Mr. Hays there on the day of the riot?

Answer. I did.

Question. Had he his little son with him?

Answer. Yes, sir.

Question. Was he on the stand with his father?

Answer. I cannot say; I did not see Major Hays when he got upon the stand. It was not his son, it was his nephew who was with him; I cannot say whether he was on the stand with him or not. I know he was right there in front of the office, while the others were speaking, and his little nephew was with him.

Question. How old was he?

Answer. Perhaps nine or ten; I do not know.

Question. How many white republicans are there in the county of Greene?

Answer. How many are there now?

Question. Yes; how many are there there altogether?

Answer. Well, sir, that is a hard question for me to answer.

Question. Is there a large number of them?

Answer. Oh, no, no; according to my standard of republicanism, there are a very few there.

By Mr. VAN TRUMP:

Question. Well, take as a test those voting the republican ticket.

Answer. Well, they might not vote at all, and still pretend to be republicans. At the last election there were four white men who voted the republican ticket to my certain knowledge.

By Mr. BLAIR:

Question. You were one of them

Answer. Yes, sir.

Question. Mr. Cockrell was one of them?

Answer. Yes, sir.

Question. Who were the others?

Answer. Judge A. R. Davis, probate judge, and Major Hays.

Question. Does Mr. Cockrell hold any office?

Answer. No, sir, I think not now; he did hold the office of guardian *ad litem* to the county, an appointment made by the probate judge.

Question. You spoke of a man, Burton, who was maltreated. You say he was the county printer?

Answer. Yes, sir.

By Mr. VAN TRUMP:

Question. Not in that county.

Answer. His paper was printed at Demopolis, Marengo County, twenty-eight miles from Eutaw.

By Mr. BLAIR:

Question. I understood you to say Saturday that he was made county printer by act of the legislature.

Answer. The act of the legislature authorized the probate judge of each county to designate the paper for the county printing; and the county judge of Greene County designated his paper.

Question. Did that law allow the judge to designate a paper printed out of the county?

Answer. Yes, sir, anywhere.

Question. It allowed the probate judge of any county to designate a paper anywhere in the State?

Answer. I will not be certain about that; my impression is, that it was a county adjoining or a near county.

By the CHAIRMAN:

Question. In what year was that law passed?

Answer. I think it was passed in 1868.

By Mr. BLAIR:

Question. I understood you to say that the party who assaulted Mr. Burton was in some way connected with a newspaper.

Answer. A mere employé, that is all.

Question. Had that newspaper formerly enjoyed the county printing, before it was given to Burton?

Answer. Yes, sir.

Question. Was it ever intimated that the quarrel grew out of that business—out of the loss of that business?

Answer. That was never intimated that I know of; it may have been that that was the motive which induced it; but this man, who has no pecuniary interest in the printing, who is a mere employé in the office, would seem to have been a mere tool in the hands of some one else, if the quarrel grew out of the fact that the printing was taken from that paper and given to another.

Question. The man might himself have lost employment by it. The papers selected for this work were generally radical papers, were they not, the papers selected by the probate judges?

Answer. They were papers which supported the constitution of the State of Alabama, and the Constitution of the United States. I cannot say whether you would call them radical papers; they were republican papers. There was one exception, I think, to that rule, in the adjoining county, Hale County; the probate judge designated a paper published in the county which was a conservative paper.

Question. Was the probate judge himself a conservative?

Answer. He was a republican.

By Mr. VAN TRUMP:

Question. In your statement in regard to the place from whence this man Haynes, the school-teacher, came, you said that he came from Circleville, Ohio, and from Greene County. Was it not Cedarville instead of Circleville?

Answer. Yes, sir, that was the place.

Question. What was the character of this man Haynes; I mean what were his political sentiments; did he believe largely in the divinity of the negro?

Answer. No, sir, he did not; he was a very conservative young man; he said he had nothing to do with politics; he never registered or voted in the county.

Question. Or mingle much with the negroes?
Answer. No, sir, not to my knowledge, no more than his duties as a teacher required. He had a little house where he lived by himself.

By Mr. POOL:

Question. How many white republicans were there in Greene County in 1868?
Answer. I cannot say; I was not there.
Question. How many were there when you first went there?
Answer. There must have been twelve, at least.
Question. Twelve who voted the republican ticket?
Answer. Yes, sir.
Question. You said that there were some there who said they were republicans and did not vote; how many of them were there?
Answer. There were two or three; the State senator from that district did not vote, Mr. McIntosh; he told me he did not vote. Mr. Hawkins did not vote the ticket. The county treasurer, a son of A. R. Davis, did not vote, or did not vote the republican ticket.
Question. Do you know the reason why they did not?
Answer. They told me it would be dangerous to do it. The son of Mr. A. R. Davis, who lives up near Union, said that he could not stay there over night if he had voted the republican ticket.

By Mr. BLAIR:

Question. Was he not understood to be a republican?
Answer. Not an active republican.
Question. Active enough to hold an office under a republican administration?
Answer. Yes, sir.
Question. That was pretty generally known, was it not?
Answer. Yes, sir.

By Mr. POOL:

Question. Do the grand jury find bills against persons there for committing ordinary crimes?
Answer. They find bills pretty freely against negroes for ordinary crimes.
Question. What character of crimes?
Answer. Petty larceny and misdemeanors.
Question. Do you suppose that an ordinary proportion of such petty crimes are indicted in the county, such as was the case before the war in other counties?
Answer. I think so.
Question. The law is executed there as well as elsewhere in regard to those crimes?
Answer. Yes, sir.
Question. Has there ever been any man indicted in that county, or in the court, for committing a crime in disguise?
Answer. No, sir.
Question. No indictment been found at all?
Answer. Excuse me; I think that in the last fall term of court there were three parties indicted.
Question. For what?
Answer. The form of the indictment was for lynching.
Question. Were the parties white or colored?
Answer. They were white.
Question. Was the charge that they were in disguise?
Answer. Yes, sir.
Question. And an indictment was found against them in your court?
Answer. They found an indictment.
Question. That is the only case you know of?
Answer. The only case since I have been connected with the court.
Question. Has that case been tried?
Answer. No, sir; the parties had not been arrested when I left there.
Question. Why?
Answer. Well, it could not have been for want of knowledge as to their whereabouts, for they were in Eutaw several times to my certain knowledge, and in the presence of the sheriff, and were not arrested.
Question. Did you issue a *capias*?
Answer. I did.
Question. Did you put it in the hands of the sheriff?
Answer. Yes, sir.
Question. There was no arrest?
Answer. No, sir.

Question. Is there any organization in that county, any camps of these men, or anything of that sort?
Answer. Not that I know of.
Question. You have no personal knowledge of them?
Answer. No, sir.
Question. Did you ever see them riding in disguise?
Answer. I never have.
Question. Do they frequently ride in disguise, as you learn from others?
Answer. I am told so.
Question. How often?
Answer. I cannot tell.
Question. At stated times?
Answer. When I was there I used to hear of it every week.
Question. On what day of the week?
Answer. It was mostly Saturday night that they rode.
Question. In what numbers?
Answer. All the way from three to twenty-five. I think on the occasion that Boyd was killed, the sheriff estimated that there were more than forty or fifty of them.

By Mr. BLAIR:

Question. You mean the solicitor, Boyd?
Answer. Yes, sir.

By Mr. POOL:

Question. Have any scourgings occurred recently?
Answer. Not that I know of personally; only by hearsay, from other parties.
Question. I mean, of course, as you learn from others; you could not have been present.
Answer. A prominent man in Eutaw, a democrat, a Mr. Taylor—he goes by the name of Kit Taylor; I do not know what his name is—a very large land-holder, said that it was reported to the authorities that one Flem Cross, wife, and family had been poisoned; that the wife had died; that warrants were issued for the arrest of several negroes; that the sheriff took a posse and went down and arrested the negroes, and was going to Eutaw with them, when he was met by a party of men in disguise, who immediately put a guard over him, and took the negroes away from him and beat them very badly; cut one man and one woman nearly to pieces, but did not kill them.
Question. When was that?
Answer. That must have been in March last.
Question. Now, return to the indictments that were found; upon what parties was the lynching committed by those who were charged with committing it?
Answer. Upon some negroes. The indictment was for lynching; it was under an act for the purpose of suppressing lynching. Do not understand me to say that these persons were lynched, but the indictment was found under an act which was passed to suppress lynching. It was charged that they did go upon a place in disguise, and beat and whip certain parties.
Question. That was the charge in the indictment?
Answer. Yes, sir.
Question. What is the politics of the paper published in Greene County?
Answer. Democratic.
Question. What is the tone of that paper in its editorials in regard to these outrages?
Answer. It is rather quiet; it does not say much.
Question. Does it denounce them at all?
Answer. I never saw a piece in it denouncing them that I recollect of, except that upon one occasion it called upon the people to refrain from violence.
Question. Who is the editor of that paper?
Answer. Joseph W. Taylor.
Question. Is he a member of this organization?
Answer. I cannot tell you.
Question. You do not know?
Answer. No, sir.
Question. Has it been the custom in Alabama to give patronage—public printing, &c.—to papers that support the party in power?
Answer. Do you say, "Has it been the custom?"
Question. However, you have not been there long enough to answer that question. Is that the custom in Michigan?
Answer. I do not know; I never lived in Michigan but one year.
Question. From what State do you come?
Answer. From Massachusetts.
Question. Then I will ask you the question in regard to that State.
Answer. I think it is the custom there.

Question. Would witnesses be safe to go into one of your courts and testify to a state of facts that would lead to the conviction of one of these marauders?

Answer. I do not think they would.

Question. Suppose that, upon a preliminary investigation, a witness should show by his testimony that he knew enough to convict one of them; would he be safe during the time between the investigation and the final trial?

Answer. I do not think he would; and perhaps I might right here substantiate that by saying that a man who was beaten there, and an indictment found against the parties, was run out of the county. I issued several subpœnas for him to appear to attend the court, and he did not come. I issued an attachment for him upon an order of the court, and he gave bond for his appearance; but he did not appear, and the bond was forfeited. He said that if he came there he would be killed. Furthermore, another party, who was a witness in behalf of this man in the same case, told me, as a reason for his not appearing, that he was told if he appeared there he would be killed. The witness forfeited his bond, and an attachment was issued for him at the last court; whether he came or not I do not know.

Question. Who went his bail?

Answer. Some man in Gainsville; I forget the name now. The man who was beaten was a negro named Sol Mobley. The man who went on his bail was, I think, Greene B. Mobley, sr. He is now dead. The attachment was issued, and put in the hands of the sheriff of Sumter County.

Question. What chance is there for the State courts to suppress this violence, if no indictments are found?

Answer. No chance; I look upon the State courts as a farce, so far as that is concerned.

Question. They are totally incompetent?

Answer. Yes, sir; I think I can speak very confidently of the circuit court of Greene County, that it is utterly powerless to convict these men, or any parties guilty of these crimes.

Question. First, because the grand jury will not find a bill; and, secondly, because you cannot get witnesses?

Answer. Yes, sir. When the witnesses come up on the preliminary examination and are bound over, judging the future by the past, it seems to me that it is almost impossible to enforce the law.

Question. Have you ever known anything of the Union League in the county?

Answer. I never have.

Question. Have they had any Union Leagues there since you have been there?

Answer. No, sir; or if they have, I never have known anything about them. I never did know anything about them any way.

Question. What has been the conduct of the colored people in that county—orderly or otherwise?

Answer. Very orderly, indeed.

Question. Have there been any barn-burnings there?

Answer. Not that I know of. I think two or three gin-houses have been burned, and negroes arraigned for burning them; but they never have been convicted of it. Negroes have been arraigned for the murder and killing of persons, and for burning a store there; some twenty or thirty of them; and one man, one of the negroes, in order to have them committed to jail, was pressed to perjure himself, as he afterwards confessed. They now have him under an indictment for perjury. I think three or four colored men were committed to jail upon a preliminary examination before a justice.

Question. On the testimony of this man?

Answer. Yes, sir.

Question. You say he has been indicted for perjury?

Answer. Yes, sir; and notwithstanding he came the second time before the grand jury, and said that he had told them a lie, they still found an indictment against the other negroes, and they were kept in jail until this last court, when they were put upon trial, and, as I am informed, all were cleared except this man who perjured himself.

Question. You mean that he perjured himself in swearing against the others?

Answer. Yes, sir; he swore that he was one of the party, and implicated the others in it.

Question. How long were the defendants kept in jail?

Answer. The burning of this store, and the murder and burning of the clerk in it, occurred not long after the assassination of Mr. Boyd, which was on the 30th of March, 1870. Those negroes were arrested, examined before a justice, committed to jail, and taken out once on a writ of *habeas corpus* before my brother, and he discharged two of them.

By Mr. VAN TRUMP:

Question. Whose store was burned?

Answer. Doctor Anderson's.

Question. What was his politics?

Answer. He was a democrat, I suppose.

By Mr. POOL:

Question. Has the community ever been able to find out who were the guilty parties?

Answer. No, sir; the case was decided in favor of these parties only a few weeks since, except the man who perjured himself.

Question. You say the store was burned not long after the assassination of Mr. Boyd?

Answer. Yes, sir.

Question. Did it have any connection with that?

Answer. This man, Dr. Anderson, at one time told me that he himself thought it was merely retaliation for the murder of Mr. Boyd; that is, when he supposed that the negroes were guilty of the act.

Question. Is the doctor supposed to have been connected in any way with the murder of Mr. Boyd?

Answer. No, sir; I do not think he was one of the parties; I cannot tell about his knowing anything about it.

Question. Was he an active democrat, so as to have notice attracted to him?

Answer. No, sir; he was a very conservative man, only when he was drunk; then he was very active as a democrat, denouncing everybody that was ever loyal to the Government, or who sympathized with the republican party.

Question. Has there been any fear in that community that there would be retaliation by the negroes?

Answer. I think there was, at the time of the assassination of Mr. Boyd.

Question. Have you known of any other acts of retaliation?

Answer. Other acts of retaliation?

Question. By the negroes there?

Answer. No, sir; I have never known of any acts of retaliation at all.

Question. What is the relative proportion of white people and of negroes in that county?

Answer. I think it was estimated at one time that there were three to one.

Question. Three negroes to one white man?

Answer. Yes, sir.

Question. Is the number of negroes in that county diminishing any?

Answer. I think it is, very fast; after the last election a great many left the county

Question. Did all of the negroes vote at that election?

Answer. No, sir; I do not think they did.

Question. In your judgment, what proportion of them did vote?

Answer. I could not give you any definite statement; I know that in some precincts many of them did not vote. In one precinct scarcely any negroes voted; and in others, as it appeared from the poll-list, a great many negroes voted the democratic ticket.

Question. A great many of them voted the democratic ticket?

Answer. Yes, sir; in 1869, I think, the republican majority in the county was nearly 2,200; in 1870, the majority was 43 democratic.

Question. How many negroes voted the democratic ticket?

Answer. I cannot tell.

Question. I do not ask you to give the exact number, only to approximate to the number.

Answer. I should think there were, perhaps, 1,500.

Question. How many did not vote at all?

Answer. I do not know; there might have been two or three hundred or more; I am not well enough acquainted all over the county and with the negroes to give you the exact number.

Question. Did the negroes who voted the democratic ticket do so willingly, or did they do so from terror?

Answer. I know a great many who did not vote it; they made affidavit they did not vote the democratic ticket; but I say that it so appeared from the poll-books.

Question. Do you mean to intimate that there was fraud in the count?

Answer. Yes, sir; I do.

Question. When you spoke of 1,500 negroes having voted the democratic ticket, you mean that it so appeared from the count?

Answer. Yes, sir.

Question. In your judgment, to what extent was that fraud carried?

Answer. It was carried to the extent that, as I tell you, there were 43 democratic majority, while in the election before that there were 2,200 or 2,300 republican majority.

Question. Do you mean to say that the whole of that result was obtained by fraud?

Answer. Not the whole of it; there were a great many additions to the democratic party, and perhaps some negroes voted that way willingly, in order to protect them-

selves. But the great proportion of them did not do it willingly, if they did it at all; and a portion of them voted the republican ticket, as they supposed, when they voted; but when the votes came to be counted, they were democratic.

Question. Were all the poll-keepers democrats?

Answer. Yes, sir; every one.

Question. Were they appointed by the sheriff?

Answer. They were appointed by the sheriff and judge of probate; the board of supervisors consists of the probate judge, the clerk, and the sheriff, but I was not present when the poll-keepers were appointed.

Question. Who is the probate judge?

Answer. A. R. Davis.

Question. What is his politics?

Answer. Republican, or he was.

Question. Is the sheriff a democrat?

Answer. Yes, sir.

Question. And they appointed no republican poll-keeper in the county?

Answer. No, sir.

By Mr. VAN TRUMP:

Question. How many republican poll-keepers could there be if there were only four white republicans there?

Answer. There are several colored republicans in that county.

Question. Do you mean to say that the whites there would not electioneer with the negroes in that county?

Answer. I do not say that.

Question. Do you mean to say that that had no influence with them?

Answer. No, sir; I do not.

Question. The whites there were mostly the former masters of these negroes, were they not?

Answer. Yes, sir; but I mean to say this: that the negroes, if left to their own free choice, and if they felt that they would be protected in doing what they wish, would, almost to a man, vote the republican ticket.

Question. That is your opinion?

Answer. That is my opinion; yes, sir.

By Mr. POOL:

Question. Are you sure that Judge Davis had anything to do with the appointment of these poll-keepers?

Answer. Yes, sir.

Question. He certainly had the right to do so?

Answer. He did; the law expressly says that two of the board shall be present to make appointments; I was not there, and I know he did appoint them.

By Mr. VAN TRUMP:

Question. I understand that you are from Massachusetts.

Answer. Yes, sir.

Question. And your brother, the judge, was from Michigan?

Answer. He was from Michigan when he went into the Army.

Question. He was originally from Massachusetts?

Answer. Yes, sir.

Question. How did you happen to go to Alabama in 1869? Did your brother write to you to go?

Answer. Yes, sir.

Question. And that he would give you an office?

Answer. No, sir.

Question. Are you sure that was not in the letter?

Answer. Yes, sir; I am sure. I went there with the expectation of going upon a plantation.

Question. But you got the office shortly after you got there?

Answer. Yes, sir. I was appointed by the State superintendent as county superintendent of education for Greene County before I was appointed clerk.

Question. Your brother lived in another county?

Answer. Yes, sir.

Question. And within four or five months after you went there, while you were holding another office by appointment, your brother appointed you clerk of the court?

Answer. Yes, sir; after I was there five months.

Question. Did that give satisfaction to the people of the county?

Answer. It gave satisfaction to the bar.

Question. You have said that you believe no person could safely testify as a witness in this riot case; you instance that as a particular case; that was a pretty strong

case; I understand you to mean in the county of Greene—that no man knowing fully the circumstances connected with the riot could go there and safely testify against these parties. Would it make any difference whether he testified in the county or in Mobile, if, after he testified, he went back to that county?

Answer. No, sir.

Question. Then, in your opinion, no witness could testify in the case with safety if his testimony would tend to convict the party?

Answer. I say so.

Question. Judging from the facts which you have detailed here of your personal knowledge of that riot, would you not, in one way or another, be a very thorough witness?

Answer. I would.

Question. You were summoned as a witness at Mobile, but did not testify there?

Answer. I testified before the grand jury.

Question. The people of Greene County knew that you were summoned there?

Answer. Yes, sir.

Question. In fact, you knew more about that case than Mr. Cockrell himself even?

Answer. Very likely.

Question. How many witnesses were summoned from Greene County to go to Mobile?

Answer. Major Hays, Mr. Cockrell, his son, and myself; four of us.

By Mr. POOL:

Question. Have you been threatened because of being a witness there?

Answer. Not directly since then. As I said to you Saturday, a man threatened me in my office, and said that he would be damned if I should ever be permitted to testify before the grand jury. I will say this, and if Mr. Cockrell ever appears he will tell you the same. To show the feeling in this case, I will say that one of the parties in going with him to Mobile—they knew I had gone from Greene County and probably would not return there; but my brother still holds his court there—one of the men, a leading member of the bar, said that if I testified against these parties, my brother would not be permitted even to hold court in Greene County.

By Mr. BLAIR:

Question. He told you so?

Answer. No, sir; he told Mr. Cockrell so.

Question. Who was he?

Answer. A son of Chancellor Clark.

By Mr. POOL:

Question, Having testified, would you now feel safe in Greene County?

Answer. I would not. And allow me to say still further in regard to Mr. Hays; from his account to me, I think he feels that he is not safe in testifying, and he has been informed as much; that if he went there and testified, not only would his property be destroyed, but he would be killed.

By Mr. BLAIR:

Question. I believe he testified here himself that he felt very safe at present.

Answer. He has not been before the court to testify.

Question. Do you pretend to say that is the reason why Mr. Hays does not go and testify?

Answer. I do; yes, sir.

Question. He alleged here himself that he had a very different reason for not going. You assert he had that reason and not another reason.

Answer. I do not know what reason he gave here. I know that Major Hays told me that he was not only told, but written to, that in case he did go there and testify, it would jeopardize his family and himself.

By Mr. POOL:

Question. You mean to express it as your opinion that that, at least, is one of his reasons?

Answer. Yes, sir.

By Mr. BLAIR:

Question. As you observe, we are taking testimony now in regard to this Eutaw riot. You have been asked your opinion about a great many things. Now, is it not your opinion that this committee could go to Eutaw and ascertain the exact facts of the case much better than we can do sitting here?

Answer. No, sir; not better—the exact facts. You might obtain a knowledge of the different positions which they occupied, and all that, much better than I have explained it to you.

Question. Are there not other people there besides yourself who are able to throw light upon this matter?

Answer. Yes, sir; perhaps so.

Question. Would we not be likely, by going there, to get hold of all the men who saw this riot in all of its different aspects?

Answer. You might possibly get them; I do not say that you could not; I do not know.

Question. We certainly could get them there as well as here?

Answer. Yes, sir.

Question. And probably better, because we could reach more witnesses?

Answer. Perhaps. As I understood your question, it was whether I did not believe that you could get at the exact facts better on the ground than here. I answered that I did not think you could any better. But yet I did not mean to have you understand that I did not think it would be a good idea for you to do so, or that you would not get at any facts by going there.

By Mr. VAN TRUMP:

Question. You mean that if we would stay here long enough, and go to the expense of summoning all the witnesses that know anything about it, we might possibly do as well here as there; that is what you mean, is it?

Answer. Yes, sir.

By Mr. POOL:

Question. Who recommended you as clerk of the circuit court?

Answer. The republicans of Greene County.

By Mr. VAN TRUMP:

Question. How many were there then?

Answer. I mean the white republicans.

Question. I supposed you mean the white republicans; I asked you how many there were?

Answer. I might say that more than the republicans of Greene County recommended me. Judge Miller formerly lived there, but then lived in Mobile; and the solicitor, Mr. Boyd; Judge Davis, Squire Cockrell. I think Major Hays was not there at the time.

By Mr. POOL:

Question. Any members of the bar?

Answer. Squire Cockrell was a member of the bar.

By Mr. VAN TRUMP:

Question. How many white members of the bar? I say "white," because there may be some negroes. How many white members of the bar, besides Mr. Cockrell, are there in Greene County?

Answer. I think there are twelve. Several have come in recently. I do not know that there are any colored members of the bar.

By Mr. POOL:

Question. Was any other person pressing an application for the office?

Answer. No, sir; not at that time.

Question. No colored man?

Answer. No, sir.

By Mr. STEVENSON:

Question. You have spoken of a gentleman by the name of Jolly. Is there more than one person of that name there?

Answer. Not in the town of Eutaw, I think. He is a member of the bar; Mr. J. J Jolly.

Question. Is he a prominent democrat?

Answer. Yes, sir.

Question. Had he been addressing the democratic meeting on the day of the riot?

Answer. Yes, sir.

Question. You spoke of a deputy sheriff who was in your room, and who said that there would be a row, or something to that effect. Is he a democrat?

Answer. Yes, sir.

Question. Was he a special deputy, assigned for that day?

Answer. No, sir; he was deputy sheriff of the county and also marshal of the town.

Question. Did you see him do anything to stop the riot?

Answer. One person by the name of Perkins was talking rather loudly, and he went to him and told him he must be quiet.

Question. At what time was that?

Answer. During the first part of the speaking.

Question. Did you know of any of the persons whom the sheriff had sworn in as special deputies?

Answer. I did not see any acting in the capacity of deputies. I do not know that I ever heard that he swore any in.

Question. Can you tell me why the colored people of that county, being largely in the majority—I understand that there are seven or eight hundred white voters there, and over two thousand colored voters—why did they not retaliate?

Answer. At that time?

Question. Yes; and generally, when imposed upon?

Answer. They were told to come there without their arms; and as far as I have been concerned, and I think that is generally the case there, the republicans have counseled peace and submission, and have guarded against anything like retaliation or disturbance on the part of the freedmen.

Question. How with the republican leaders generally; have they advised submission to these outrages?

Answer. They have; and let me here remark one thing. Boyd was killed on Thursday night; on Saturday the negroes came into town by hundreds, with their guns on their shoulders, exasperated and ready for retaliation at any cost. They came to my office, and asked me about it. I said to them, "no;" that I would go as far as any man to punish the assassins of Boyd, and that I would go as far as any man to punish them if they touched a torch or fired a pistol. The remark of one old man to me was, "Captain, I tell you these people have never surrendered yet; and the only way to stop this is to burn them out." And he wanted to go and burn the hotel right there in daylight on that Saturday. I told him that it would not do; that they must not do it; and I got them to go home, and they went off without making any disturbance. That was right when the people there feared that they were somewhat in danger from insurrection or rebellion. At night, when I went home and went past the post office, I took out an anonymous letter, that I must leave within a certain time. On the following Monday I showed this letter to some of the members of the bar, and they called a meeting in my office of the members of the bar in Eutaw, and assured me that this letter, whoever it might be written by—it was signed, "K. K. K."—was written by some man who wanted my office, and took that way to try and frighten me. They assured me at that time that they liked me as an officer, had no fault to find with me, and that they hoped that I would still use my influence to keep things quiet. I told them plainly that I would do so; that I was in favor of law and order. I had petitioned to the governor for troops, and they knew it; that was one reason why the members of the bar came to me. They wanted to get me to go to Montgomery and have that order countermanded, or to sign a petition not to have them sent. I told them I would not do it; but that whenever they would call a meeting irrespective of party, and pass resolutions denouncing all such things, and stating that there was no need of having troops, then I would do so; but until they did that, I thought it was better for the safety of the colored men and of the whites to have troops there.

Question. Did they ever hold such a meeting?

Answer. No, sir.

Question. It was generally known among the democrats that you had advised peace?

Answer. Yes, sir.

Question. And had done all you could to prevent retaliation?

Answer. Yes, sir.

Question. Do you not believe that if the colored people in a county like that, where they are so largely in the majority, would stand squarely up and fight for their rights, they would be let alone and left in peace?

Answer. It would take some time.

Question. Do you not think you have taken the wrong course down there in submitting?

Answer. I think now, the thing has gone so far that they could not do it; that it would be annihilation to the negroes if they should undertake such a thing.

Question. Why? They are in the majority.

Answer. They are in the majority in certain counties.

Question. What would happen?

Answer. They would, if necessary, send in five thousand men there from other regions. That thing was tried last summer down there, where they attacked a negro, and the negroes defended themselves and killed a white man. They went from Eutaw down there, and hunted them out.

Question. What was the effect?

Answer. They killed a couple of negroes and disbanded; they called troops there immediately to keep quiet.

Question. Do you know whether that is the view taken by the leaders among the negroes, the preachers, who are generally leaders, are they not?

Answer. Yes, sir; generally a sort of leaders.

Question. Do they counsel resistance, or peace and submission, so far as you know?
Answer. I know that, at the time I speak of, the leading colored men in the county urged retaliation.
Question. At that particular time?
Answer. Yes, sir; but since that time, while they dared not retaliate, in many instances they say, "While the Government, either State or national, does not protect us, we must protect ourselves in the way of voting."
Question. That is, protect themselves in the right to vote?
Answer. Yes, sir.
Question. What I want to get at is, what is the tone and general course of the leaders among the colored men as regards advising retaliation or not?
Answer. That was the only time I can speak of in my own county, when there was any open disposition expressed for retaliation.
Question. What has been the general advice of their leaders?
Answer. It has been to keep peace; and it has not only been the advice of their leaders, but it has been handed down to them by the republican leaders—white men.
Question. Suppose collisions were to occur, who would have the advantage so far as arms are concerned—the colored men or the white men?
Answer. In that county of Greene?
Question. Yes, sir.
Answer. I do not think the colored men have a great many arms.
Question. What kind have they, if any?
Answer. Perhaps some single-barreled guns; a few double-barreled shot-guns; some of them may have some pistols.
Question. How are the whites armed usually?
Answer. To the teeth—with pistols and double-barreled shot-guns.
Question. Revolvers?
Answer. Yes, sir.
Question. How do they wear their revolvers?
Answer. If it is a large pistol, you most always see them with a belt buckled around them.

By Mr. POOL:

Question. Do they carry them outside?
Answer. Under their coats.

By Mr. STEVENSON:

Question. Has there been any special influx of arms since you have been there?
Answer. Not that I have noticed.
Question. Are the white men generally armed, more or less?
Answer. Yes, sir; hardly a countryman comes into town but has his pistol buckled around him.
Question. Does he usually go into town that way, or only on court-days?
Answer. He usually goes in in that way.

By Mr. POOL:

Question. Comes in exhibiting his pistol?
Answer. He has it buckled around him.
Question. So that it can be seen?
Answer. You cannot see the pistol; you can see the belt; I know the decision of the judges is that the fact of showing the belt does not shelter from the law against concealed weapons; the pistol is not seen under the coat.

By Mr. STEVENSON:

Question. The judges hold that to be still a concealed weapon?
Answer. Yes, sir.
Question. You generally infer, when you see the belt, that there is a pistol?
Answer. Yes, sir; but the court held that the fact of showing a belt is not a sufficient notice of carrying a pistol.
Question. It was plead in court that showing the belt was a sufficient notice, and the judges overruled it?
Answer. Yes, sir.

WASHINGTON, D. C., *June* 6, 1871.

Hon. B. W. NORRIS sworn and examined.

By the CHAIRMAN:

Question. In what part of the State of Alabama do you reside?
Answer. I live in Elmore County, fourteen miles from Montgomery, the capital of the State.

Question. How long have you lived there?

Answer. I have lived in Elmore County since August, 1865; I have lived in the State of Alabama since June, 1865.

Question. Have you been a member of Congress from that district?

Answer. I was a member of the Fortieth Congress from the third congressional district of Alabama, the district in which I now reside.

Question. Have you traveled much over the district?

Answer. I have canvassed every one of the ten counties in it.

Question. What are the names of the ten counties in your district?

Answer. Elmore, Coosa, Talladega, Clay, Tallapoosa, Chambers, Lee, Russell, Randolph, and Macon.

Question. What opportunities have you had of observing the state of affairs in that district within the last two or three years? Give us as briefly as you can the facts that have come under your observation.

Answer. I visited several of the counties in that district prior to the opening of the campaign in August, 1870, and after the nomination of the republican state ticket I canvassed all the counties in the district. I was myself nominated for Congress in that district. I visited Macon, Talladega, and Lee Counties certainly not long before the nominations were made, addressing the republicans of two of those counties, Talladega and Macon. After the nominations in August, I spoke quite extensively through the district, some five or six times in several counties, and I think not less than twice in any one county. I thus had a very good opportunity of ascertaining the feelings and wishes of the republicans, and to some extent the feelings of the democrats toward the republicans, in regard to the issues involved in the campaign.

Question. So far as your observation enables you to speak, to what extent can persons express their political opinions in that district without molestation; and if they are molested, how are they disturbed?

Answer. I addressed gatherings of the people in most of the counties in the district without much interruption. We found it difficult to get notices of our meetings throughout the district. Posters advertising republican speakers were sent extensively through the district, but in my canvass of several hundred miles I do not think I saw six republican posters, while posters announcing democratic meetings were to be seen at every cross-road, and on almost every grocery everywhere through the district, posters put up several weeks before the meetings. Our posters were torn down and destroyed, or so mutilated that it was very difficult to make known to the people the fact that a republican meeting was to be held in any particular locality. In many instances we had to send men through the various precincts—colored men—to inform the colored people that meetings were to be held. In several counties of that district, but for the presence of those authorized to keep the peace, as for instance the sheriff and his deputies, at some of those meetings I would not have been allowed to speak; I could not have spoken because of the interruptions and the purpose of persons, as I know, who came there to break up our meetings. At Salem, in Lee County, where I spoke two or three weeks before the election in November, I was told by the colored people assembled there that I had better not speak there, that white men contemplated violence in case I should do so; or, to use their own language, perhaps, there would be a row. I replied that I went there for the purpose of speaking and did not propose to be prevented by any threats of that kind. I did speak; but I was interrupted frequently during my short speech. There were exhibitions of violence; men would come on the platform with their hands on their revolvers, evidently with the purpose of getting up a difficulty, involving me in some difficulty, for the purpose of breaking up the meeting. Several white men were sitting just before me exhibiting their revolvers. And I was followed after the meeting for some time by one or more white men, who evidently meant to get me into a difficulty with them. They followed me to the cars, for I took the cars on the arrival of the train from Columbus to Opelika. As I entered the cars several of these men drew their revolvers. I immediately took my seat among the passengers who had come on from Columbus, and they could not fire upon me without endangering the lives of the other passengers. I suppose that for that reason they failed to discharge their revolvers at all. I had spoken in a very conciliatory manner; I had said nothing offensive to democrats or to the democratic party. I gave, as well as I could, an exposition of the republican theory, and was not aware that I gave the slightest occasion for offense. The white men there who were republicans were afraid to identify themselves at all with the party there, or to give me even a friendly reception. I have that from their own lips. One man, who is a postmaster, told me that he was tolerated there only because he was an old resident and kept quiet—"minded his own business," to use his own language—and was a good postmaster; that he did not dare to utter his political sentiments; and that it would not be safe for him to do so.

Question. In what county was that?

Answer. In Lee county, at Salem. I spoke during the canvass at Tuskegee, in Macon County, with Judge Rice, formerly chief justice of the State, an old resident of the

State, and a native of the South. I spoke at that time without interruption; but Judge Rice was interrupted throughout the first part of his speech, till he paused and rebuked those who interrupted him. He was interrupted by white men sitting on either side of him, on his right and on his left, with taunts, jeers, grimaces, and all sorts of questions, propounded evidently to bring contempt upon the meeting, and to insult the judge. His testimony will appear when the testimony is published, in regard to that meeting, which is already taken, in the contest that I have made with my competitor. After the adjournment of the meeting I was very grossly insulted by men who I have no doubt intended to draw me into a difficulty, with the purpose of inflicting violence upon me. They were there, as they said, to keep the peace. I went down from the platform, having spoken a few words, just before the adjournment of the meeting, after Judge Rice had left town. They made their nominations for the county ticket, and I congratulated them on the harmony with which they had concluded the proceedings of the day. After the adjournment of the meeting some ten or twelve white men came up to me, with their revolvers bristling, I saw them, and said to me, using profane language, "You have stated that we are here to break up this meeting; now you must take that back." I replied, "I have said no such thing; I said that the democrats were anxious to devide the republican party at the time of the election, and I urged the republicans here not to let them do it. I made no allusion to your presence, and I shall not take it back." On my resolutely contradicting what they said, they finally withdrew; I gave them no occasion for that demonstration at all. It was seen and known by colored men and the white republicans present that they evidently wanted a difficulty, that they had been anxious for it all day. But by great caution, by remarks, both on my part and on the part of Judge Rice, to which they could not take exception, we avoided it. That night a religious meeting was held at the Colored Methodist Church, on one side of the town—a business meeting—which was held quite late. I was sleeping not far from the court-house; I heard a large number of men gallop by, and in a little while a large number of shots were heard to be fired; I did not hear them, for I had fallen asleep; but the gentleman with whom I was stopping came to me and asked if I had heard the pistol-shots; I said I had not; he said, "I heard thirty or forty of them in the direction of the Zion Church." In the morning I learned that the church had been fired into, one of the officers of the church killed, and another mortally wounded, so that he died a day or two after. It was thought that they supposed a political meeting was being held in the church. No political meeting had been held in that county between June and August, for the reason that some prominent republicans had been shot in June for holding a meeting in that same place: they had not dared to have a night meeting during the summer. When the county meeting was held for the purpose of selecting delegates to the congressional and State conventions, it was held at a place one side of the county, from the fact that the republicans did not dare to hold a meeting at the court-house. At this time the republican party was making an effort to reorganize, and a meeting was held at Tuskegee, when Judge Rice and myself spoke. It is thought they supposed a political meeting was held in that church on that night, and the inference is that these men went there to attack it and break it up. The church was fired into by white men, because they were seen, as I have shown in the testimony taken in my contest. Judge Rice spoke after that at Opelika, where he was so much interrupted by white men that he could make no connected speech; I heard him make that statement under oath, that he was so interrupted that he could not speak there. I spoke at Socapatoy, in Coosa County, which is reputed to be a very rough place. When Judge Heilin spoke there, the year before, in August, 1869, he was drawn into a difficulty, and a republican was killed, cut to pieces by white men, in a difficulty brought about by white men, who were there for the purpose of bringing on a difficulty. When I spoke there last year, the sheriff of the county was present with one of his deputies. There was quite a large number of men, fifteen or twenty, from the adjoining county of Tallapoosa, from Youngsville, who told the sheriff they were there for the purpose of preventing me from speaking; in the course of the meeting they desired him to leave the ground, so that they might break up the meeting, and do violence to my person; that the sheriff has stated under oath. But he maintained order, although I was frequently interrupted while speaking, as I think other speakers were. There were two others who spoke, one colored man and one white man. I was frequently interrupted during the meeting; but on account of the presence of the sheriff no disturbance took place. He stated that he was there to keep the peace and he should do so at all hazards. I do not think I was interrupted anywhere else throughout the district; I do not now recollect to have been. Generally democrats were present at most of the meetings, and gave respectful attention.

Question. Did these interruptions consist of threats of personal violence, or were they simply the ordinary hootings of impolite people?

Answer. They were not threats, as a general thing. They were contradictions, such as, "You lie!" "You don't tell the truth!" "That is a damned lie!" and all that sort of thing. But these men, in some cases, had their fire arms about them, and their demonstrations were such as to show, I think, that they were ready for trouble, if I could be drawn into it.

Question. What knowledge have you of injuries inflicted in the night in your district by armed persons in disguise?

Answer. I know in regard to them only by general report, and by the testimony I have taken in my contest; I examined a large number of witnesses.

Question. You say you have taken testimony upon the subject?

Answer. I have in nearly all the counties of the district, and have examined a large number of witnesses.

Question. Without going into a detailed statement of the different cases in which such injuries have been inflicted, can you state what number have been testified to as having occurred in your district?

Answer. In Macon County two men were shot, as I have already said; in the same county, in June, a man and his wife were shot as they were retiring at night—a colored man, and the leader of the republican party in that county, it being a heavy colored county. He was a member of the legislature, and the president of the republican club just organized.

By Mr. VAN TRUMP:

Question. Club or league?

Answer. Club; I do not know that there are any Loyal Leagues in the State at the present time. It was a club to which both white and colored men belonged. In Chambers County, just before the election, there was a brutal murder of an aged colored minister, who had as good a reputation as any man in the county, and was respected by all who knew him. He was murdered in the night by disguised men. I think another colored man was murdered in another part of the county; I think that appears in the testimony I have taken, but I will not be positive about that. In Tallapoosa County there were a great many whippings, and one man was shot and another was killed just before the election, or just after—I am not positive as to the exact time. But about the time of the election there was a brutal murder of a young colored man in one of the precincts of that county. There is a Ku-Klux organization on the line of Tallapoosa and Coosa Counties; and the Ku-Klux were riding through different precincts in those two counties before the election, making threats that if the colored men voted the republican ticket they should be punished or driven out of the county, and refused employment; and immediately after the election quite a number of colored men were whipped by persons in disguise, because they voted the republican ticket, and were run out of the county, and are now living in Montgomery and Elmore Counties. There is a complete reign of terror in Tallapoosa County, so that in most of the precincts in that county not a republican, white or black, voted. In the western part of the county, where this organization exists, there was a reign of terror prior and subsequent to the election. The condition of the colored men in that county now is really deplorable, by reason of their fears, their feeling of insecurity, their want of protection, and their constant liability to outrage at the hands of this organization. I will state that I examined outside of the district, in the city of Montgomery, some sixteen witnesses, many of whom had been run away from the district, and who did not dare to testify in the counties from which they had been driven. Four of the most prominent white republicans of Chambers County were driven away immediately after the election; two clergymen, one revenue assessor, who I understand will be before you, and one deputy revenue collector, who now lives in Opelika, Lee County. The Ku-Klux came upon the collector, and he came very near losing his life; it was by a mere accident that he did not. He happened to be a few rods away from his house when they came, and in that way escaped. One of the clergymen was a school-teacher, and they both left immediately after and went to Florida. Several colored men were run off from that county, and testified in another county, and have not dared to go back there since the election. From the county of Macon nearly all the prominent republicans, both white and black, have been driven away.

By the CHAIRMAN:

Question. By what means?

Answer. By threats. A leader of the party was shot in June, as I have already said. The republican party was really broken up before the election, and it was with great difficulty that it could be reorganized. All the prominent republican men in that county were driven away by threats and by violence, and those who remain have been thoroughly silenced. They would not dare to-day to go on the streets in Tuskegee and proclaim their sentiments; they could not be induced to do so; and they could not be induced to testify to what they knew before the officer who took the testimony in my case. I knew they were intimidated; various witnesses admitted that they were. Democrats were heard to say that when certain men in that county could be disposed of they could control the negroes.

By Mr. BLAIR:

Question. What democrats?

Answer. I cannot give their names.

By the CHAIRMAN:

Question. Do you know their names?

Answer. I do not.

By Mr. BLAIR:

Question. How do you know they said so?

Answer. I have heard responsible men say that they heard them say so.

By Mr. VAN TRUMP:

Question. Who did you hear say so?

Answer. One was Colonel G. A. Harmount, of the legislature; I do not think of any other now. He said he heard some Tuskegee men say that when William Dougherty and William Alley were disposed of they could control the negroes; and that they added, "They must be driven away," or "They must be driven off;" something like that.

Question. Were those men natives there?

Answer. I cannot say.

Question. Do you know where they came from originally; or were they natives of Alabama?

Answer. I do not know.

By the CHAIRMAN:

Question. Have you stated all the cases of whippings and other injuries that came to your knowledge through the testimony you have taken?

Answer. I do not recollect how many there were. I know that they occurred, in Tallapoosa, in Coosa, and in Macon; and there have been some in some of the other counties since then; some in my own county of Elmore.

Question. Taking the district through, can there be in that district a free and voluntary expression of political opinion without encountering danger to life or person?

Answer. I think there would be danger at the present time.

Question. Have there been any prosecutions there against any persons for the offenses of which you have spoken?

Answer. There have been in Talladega County, I think; I have not spoken of the outrages committed there. There were some outrages committed there, and I was informed by Judge Pelham and some others that some prosecutions were had there at the last term of the court; but no convictions.

Question. There was a trial there?

Answer. There was a trial, but the jury acquitted in every case. There is a Ku-Klux organization on the line of Talladega and Calhoun Counties, and I believe there were some outrages committed there.

Question. Have you any means of knowing the extent of that organization in that part of Alabama?

Answer. I have not, further than what appears in the testimony I have taken. There is an organization in Macon, in Coosa, in Tallapoosa, and on the line of Talladega and Calhoun Counties. There is also an organization in Chambers County, because there was a murder committed there by disguised men; I do not know how extensive the organization is in that county. I know this old colored man, named Trammel, was killed by some eight or ten disguised men, showing that an organization exists in that county. I do not know that the organization has existed in Russell County, but there is a great reign of terror in that county among the colored men, and the only prominent white republican in that county has been driven away since the election. From some four or five counties in the district prominent republicans have been run off since the election.

Question. Is there any obstacle to holding democratic meetings there, and the expression of political sentiments by members of that party?

Answer. I never knew a democratic meeting to be interrupted in any way; I never heard of such an instance in all the State of Alabama; by republicans, I mean.

Question. Can other than political questions be freely and publicly discussed throughout the State without danger?

Answer. There is no doubt that religious questions, and all others outside of politics, can be discussed. I have never heard of any difficulty.

Question. Have you had occasion to hear any excuse or justification offered for these whippings, &c.? If so, what excuses have been given?

Answer. Where the facts are known, the general excuse given is that the parties upon whom the violence has been committed are disreputable persons; perhaps they are northern men, who, it is said, have used incendiary language to the negroes; have excited the colored people against the white people; or they may be native republicans who have done the same thing; or they may be disreputable persons.

By Mr. VAN TRUMP:

Question. Who are the persons who make these excuses?

Answer. If you will read the democratic papers of the State you will find in them a full answer to that question. The democratic papers and the democrats of the South make those excuses; in many cases they palliate and excuse the outrages, and say they are justifiable. After I had spoken in Lee County, although it has never been charged that I used incendiary language in any case in the three or four campaigns I have been engaged in, the Opelika paper justified the treatment I received at Selma; and the Montgomery Mail, a prominent democratic paper, quoted approvingly the article from the Opelika paper.

Question. I do not understand you to say there was any violence there. I was asking you who made excuses for killing men. You say you went to Alabama in 1865?

Answer. Yes, sir.

Question. From where did you go?

Answer. I went from this city, in the service of the Army. Maine is my native State.

Question. To what part of Alabama did you go?

Answer. I went first to Mobile, and then to Montgomery.

Question. You were a member of the Fortieth Congress from Alabama?

Answer. I was.

Question. When were you elected?

Answer. I was elected when the constitution was voted on, after the term of the Fortieth Congress had commenced.

Question. You served for only a portion of the term?

Answer. Yes, sir.

Question. You have stated here that there were disturbances at political meetings in your district. Was that a new thing in your experience?

Answer. It was entirely new to me.

Question. Have you ever been in Ohio or any other of the Western States?

Answer. I have never been there during a political campaign. I never knew such things in Maine; republicans and democrats are tolerated there.

Question. In what business did you engage when you first settled in Alabama?

Answer. I purchased a large plantation, which I now own, and have worked since that time. I will add that when I first went there I had no purpose to take any part in politics. I advocated the ratification of the fourteenth amendment, under which the State at that time would have fallen under the control of the old *regime*. I advocated it in the interest of peace, and not because it was all I wanted.

Question. You thought that was the best way to restore peace?

Answer. At that time I thought it was the best way.

By Mr. BLAIR:

Question. You are now contesting a seat in the House of Representatives of the Forty-second Congress?

Answer. I am.

Question. Against whom?

Answer. Mr. Handley is the sitting member, who is returned as having been elected by some 3,100 majority. I have no doubt that in a fair election there the republicans would have from 1,500 to 2,000 majority in that district. There were several precincts where not a single republican vote was thrown, yet the colored vote there is equal to the white vote, and almost all republican, while there are many white republicans there.

Question. Were there not large numbers of colored men who came over from Georgia and voted the republican ticket in Lee County?

Answer. I think not.

Question. In several of the counties?

Answer. I think not.

Question. Is there not evidence to that effect in this contest?

Answer. No evidence from reliable men at all. I know what the evidence is, and I know the men who gave it.

By Mr. VAN TRUMP:

Question. Is there such testimony?

Answer. I admit there is such testimony; men have stated that a certain number of colored men came over and voted; but we have shown that that is not so, that there is not a shadow of truth in it. Republicans are not in the habit of voting in that way; we do not act on that principle.

Question. You speak of your district, of course; you have not heard of the border raids in Ohio?

Answer. I have not been in Ohio much during elections.

Question. You think the republicans are perfect?

Answer. No, sir; I think a great many are not.

WASHINGTON, D. C., *June* 8, 1871.

C. S. CHERRY sworn and examined.

By the CHAIRMAN:

Question. Have you lived in Alabama recently; and if so, in what part of the State?

Answer. I lived in Chambers County, Alabama, up to the 12th or 13th day of November last.

Question. How long had you lived there before that?

Answer. I lived there all my life.

Question. Are you a native of Alabama?

Answer. No, sir; I am a native of South Carolina, but my father moved to Alabama in 1839, when I was a small boy, three or four years old.

Question. What caused you to leave the State of Alabama?

Answer. I left there three or four days after the election, for the reason that I was satisfied, if the democrats had carried the State, that if I attempted to live there, I would not live three days longer.

Question. What led you to that conclusion?

Answer. It would, perhaps, be a long story.

Question. Give us the facts as they occurred, whatever they are.

Answer. I knew that if the democrats had carried the State and that congressional district, no republican who had taken an active part there for several years past, particularly a white republican, could live in the immediate neighborhood in which I live.

Question. What facts came to your knowledge, or within your observation, that justified you in forming that conclusion?

Answer. I would have formed that conclusion anyhow; but I received intimations through a relative of mine, who is a democrat there, and a man of some prominence perhaps the second day after the election—the election, I believe, was on Tuesday, and this was on Thursday evening, I think—that if the figures bore out the opinion they then had, that the democrats had carried the State, it would not be safe for me to be seen in town another day. That was in the town of West Point, right there on the line between Georgia and Alabama. My office was in a little town called Bluffstown, adjoining the town of West Point, and the State line is between the two.

Question. Had there been, in that neighborhood in Alabama, any acts of violence toward republicans?

Answer. Not in that immediate neighborhood for some months. Some ten miles above there a colored man had been killed, a preacher, and a man somewhat prominent in the county as a republican. He had been killed some ten or twelve days before.

Question. Were any threats made against you, or any attempts made against you, justifying you in the belief you have expressed, and in leaving there for that reason?

Answer. There was no attempt made upon my life just at that time. But we numbered about three white republicans, though our beat was largely republican.

Question. Your beat?

Answer. Yes, sir; our precinct. It was known to the republicans, and democrats as well, that what few white republicans were about there would be in danger of their lives.

Question. What produced that impression upon your mind? Did anybody say so to you?

Answer. I received intimations from a friend, who is a relative of mine by marriage, and a democrat. He came out to my house, I think on Thursday evening, about sunset.

Question. Was that the only intimation you had?

Answer. No, sir; several colored men told me that if the democrats had carried the State I could not live there three days. They were prominent colored men, who I knew were well posted, and had heard things I could not hear.

Question. Had you taken any part in the canvass?

Answer. Yes, sir; an active part.

Question. In what way?

Answer. By doing all I could for the ticket.

Question. In traveling through that part of the State, were you molested in any way?

Answer. No, sir; I did not make any speeches; I went with our candidates through the county. I was assistant assessor of internal revenue, and had been for some years.

Question. Had any threats been made to you personally, while you were traveling in that canvass?

Answer. I do not remember, there were so many threats thrown out; I do not remember whether any were thrown to me personally or not. I think I have had it said to

me personally that if the democrats should succeed in turning the tide there and taking the State out of the hands of the republicans, none of us could live there.

Question. Were the reasons you have given, your only reasons for leaving the State, or did you leave for other reasons?

Answer. Principally for the reasons I have given you. A little difficulty occurred on the evening of the election between myself and a young democrat; not a difficulty exactly; only a few words were said. He was registering, and I was sitting by, and asked him if he was twenty-one years of age. I knew he was, for I had known him almost since he was born; I said it only as a jest. I saw that he took exception to it, and shortly after I called him outside and told him that I intended it only as a joke, and thought I had known him long enough to joke him a little; but, as he did not seem to like it, I was sorry I had done it. He said the thing had got too serious for joking—that it had got past where it would bear any jokes. He seemed not to like it, yet he said, "Never mind, just let it drop; say nothing more about it." He was one of a large family of brothers. There were some seven or eight of them, some three or four of whom were younger than he, who put out some threats which, from the character of the men, I knew they would execute. I called one of them one side on the day after the election, and told him of the circumstance of the day before, and said to him that I was never more surprised at anything than that his brother should have taken exception to my remark; that I meant nothing by it but a joke, and had apologized for it. I saw that he was not satisfied and was determined to have a difficulty. I knew that if any difficulty started, in the state of public sentiment there, it would most probably end in my being killed.

Question. Was it the personal difficulty between you and that young man, or the apprehension growing out of the existing state of public sentiment there, that led you to leave?

Answer. It was mostly on account of my apprehension from the existing state of public sentiment.

Question. What was that existing state of public sentiment to which you refer?

Answer. I do not know exactly what answer your question would require.

Question. Was it safe on either side for men to utter their political sentiments there?

Answer. It was perfectly safe so far as the democrats were concerned for them to utter their political sentiments, and they did it very openly and publicly; but it was not safe for republicans to do so.

Question. Upon what facts do you base that statement?

Answer. I have seen so many of them grossly insulted just for simply saying they were republicans, or something to that effect. If they had retorted in the same manner they would have got into serious difficulty. I have seen that so often, for so many years, that I know it. There were very few men, even of those white men who sometimes voted the republican ticket, who dared to come out openly and declare themselves republicans.

Question. Had there been, in the county in which you lived, any whippings or scourgings by men in disguise?

Answer. No, sir; I do not think there had been for some months previous to the election. The murder of this old colored man, some eleven or twelve miles above where I lived, I think was the only assassination for some months previous to the election.

Question. Was that done by disguised men?

Answer. No, sir; as least so said an old white lady, who was teaching school there at the time, and who made her escape. She said she knew three of them, young men living in the neighborhood. I think she said there were eight of them in all.

Question. Was there any political reason connected with that assassination?

Answer. The colored man was a man of some prominence as a republican. He was a man of character, and had been a preacher there ever since my earliest recollection. This old white lady was teaching a colored school in the neighborhood and boarding at this old colored preacher's house; that is, she had a room there, and they prepared her meals and sent them to her room, so I suppose you might say she was boarding there. She could not go anywhere else to board; that is, with any white family in the neighborhood, I think she said. The school had been under way about a month, I understood, when this crowd went to the house at night and called out this old parson, Trammell, and killed him. The old lady said she was satisfied they would have killed her if she had not made her escape as she did, in her night clothes.

Question. Was any other explanation given of that murder?

Answer. None were given to the friends of the party; we all knew what it meant.

Question. Were any of that party arrested or tried?

Answer. I think none were arrested. A coroner's jury was summoned and held an inquest on the body; so I heard a man say who acted as the foreman of the coroner's jury. I think the finding of the jury was, that he came to his death by the hands of some persons unknown to the jury.

Question. Did you live in the county town?

Answer. No, sir; some eight or ten miles from the county town.

Question. Were any persons arrested for that offense, do you know?

Answer. I know there were not.

Question. Have you stated all that you know concerning the existing state of things in that portion of Alabama?

Answer. I have answered just such questions as you have asked me.

Question. Does what you have stated comprise all that you know about the existing state of things there?

Answer. I might remark, in this connection, that after I left there I learned from the deputy collector, who had an office with me, and had had for four or five years, that a few days after I left, a raid came to his office, but he managed to escape. They destroyed his papers and tried to set fire to the house in which the office was, but some colored women who were in the back part of the house put out the fire after they left. The other man who is living there, the only other white republican, thought that an attempt was made to injure him, for they threw a rock through the window of his house in the day-time, and struck one of his children while they were sitting at the dinner table; but it did not hit him. We were the only white republicans, three of us, in that precinct; that is, well-known republicans. There were some other men there who perhaps voted a part of the republican ticket—voted for some of the members of the legislature; there were perhaps one or two who did that.

Question. Have you been back in Alabama since you left in November last?

Answer. No, sir, I have not, and I do not expect to go back, if I can help it, until there is a different state of affairs there.

Question. You have no personal knowledge of what has transpired there since you left, or what is the state of things there now?

Answer. No, sir.

By Mr. VAN TRUMP:

Question. Where do you live now?

Answer. In this city; I am a clerk in the Census Bureau.

Question. When did you get your appointment there?

Answer. In the latter part of February, I think it was.

Question. Did you know, when you came here, that you would get that appointment?

Answer. I did not.

Question. What business did you follow in Alabama?

Answer. I was a school teacher, and taught school.

Question. The only intimation to you that there was danger in your staying there was from that relative of yours?

Answer. No, sir; I had other intimations.

Question. What other intimations?

Answer. I had other intimations from two or three colored men.

Question. I was referring to intimations from white men.

Answer. That was all.

Question. What is his name?

Answer. I would rather not give it.

Question. I would rather you would give it.

Answer. I would rather not give it; he still resides in that neighborhood.

Question. According to your theory there is not much danger to him, is there? You say he is a democrat.

Answer. Yes, sir.

Question. I want his name.

Answer. He would not like me to give it, I know. It was told to me confidentially, very confidentially.

The CHAIRMAN. I think the question is a proper one. We want all the information that will throw any light on the subject of our investigation.

By Mr. VAN TRUMP:

Question. What relation is he to you?

Answer. A great-uncle.

Question. How old a man is he?

Answer. He is some seventy-four or seventy-five years of age.

Question. What is his post-office address?

Answer. Bluffton.

Question. In what county is that?

Answer. In Chambers County.

Question. I want his name.

The WITNESS. I would like to ask the chairman if the evidence I give, or that witnesses are in the habit of giving here, is to be published?

The CHAIRMAN. We do not expect to publish it at once, but the testimony will all be reported to Congress, and I have no doubt that the testimony of every witness will

eventually be made public; that is our expectation. In the judgment of the chairman, the question put to you by Mr. Van Trump is a proper one.

The WITNESS. I will answer it if you say I must.

By Mr. VAN TRUMP:

Question. It must be as evident to you as to anybody else that the fact that your great-uncle did communicate to you what you say he did, does not reflect upon any individual person there.

Answer. No, sir; but all these things are picked up and read with avidity there.

Question. You have said, in your examination-in-chief, that this relative of yours came to you and told you that you had better leave, if the democrats had succeeded there.

Answer. Yes, sir.

Question. Was that all he said?

Answer. I do not know that that was all.

Question. Did he say that any particular persons there would injure you?

Answer. I do not remember whether he spoke of particular persons or not.

Question. Do you not know that he did not?

Answer. I cannot say that I know he did not.

Question. What is your best impression now; that he said generally that if the democrats had carried the State you had better leave? was not that what you have stated here, and was not that about all he did say?

Answer. That is not all that he did say; but that is what I stated.

Question. Did he name any persons who would interfere with you?

Answer. I cannot remember, to say positively, whether he did or not call over the names of particular men. It was pretty well known there, though, who were the men to do that kind of things when they concluded to do them; it was pretty well known to him and to me both.

Question. The actual persons, you mean?

Answer. Yes, sir; the men put forward to do things of that kind; those who were generally charged with it.

Question. Give us the names of some of those gentlemen, or of those men, if you do not consider them gentlemen.

Answer. They might —— [pausing.]

Question. They might what?

Answer. It might not be very proper to give their names, because they did not commit the overt act. But I say it was pretty well understood who would be the men to do that kind of things, if done at all.

Question. Then it was a public thing there, if "pretty well understood;" give us the names of some who would be likely to do those things.

Answer. I would not like to do it.

Question. You say you do not intend to go back there until things are settled?

Answer. No, sir; I do not.

Question. What danger, then, in giving us their names now?

Answer. I shall have to go back there some day.

Question. You say you hope to go back there when things are settled; what is your opinion of settled things?

Answer. It might still be attended with some danger to give people's names.

Question. I will not insist upon their names, as you do not make any specific statement that they have done anything, but I want the name of the gentleman who told you that you had better leave there.

Answer. I am very loath, Mr. Chairman, to answer that question, to give his name; I am very loath to do it; I do not like to do it.

Question. What were your politics before you were appointed assistant assessor in Alabama?

Answer. I was a Union man before there was any republican party organized in the State.

Question. I mean before the organization of the republican party there.

Answer. That is what I mean; I was a Union man before the organization of the republican party.

Question. Was there any party before that time, known as the Union party?

Answer. There was in our county; there was no party known by the name of republican party until 1867, that I remember.

Question. You say there were only three white republicans in your precinct?

Answer. That was all.

Question. What was the population of the precinct?

Answer. I think the white voting population of the precinct was one hundred and sixty and odd, and the colored voting population, I think, was some five hundred and twenty-five.

Question. Who manages the negro vote there?

Answer. They have some prominent men among their own number; men of some prominence among themselves who can read and write.

Question. And notwithstanding that preponderance of political power on the part of the negro population there, you say you have known of but one negro attacked for several years past in all the excitement of all the elections there.

Answer. I did not say that?

Question. That is what I understood you to say; you gave the instance of the old negro man who was killed.

Answer. He did not live in our precinct.

Question. He lived out of your precinct?

Answer. Yes, sir; some ten or eleven miles off.

Question. Have there been any negroes molested in your precinct?

Answer. Yes, sir; there have been a number of molestations there.

Question. Why did you not give them in the first instance, when the chairman asked you the question?

Answer. I thought he was asking me about events that occurred just about the time of the last election; not what had occurred during several years past.

Question. I mean the last election and the election before the last.

Answer. I was not asked the question; that is the reason I did not allude to them.

The CHAIRMAN. You did not understand my question; I asked you what cases of that kind had taken place before you left there.

The WITNESS. I thought you meant immediately in connection with the last election.

The CHAIRMAN. In regard to the name which Judge Van Trump has asked you to give, it is proper I should read to you the act of Congress on the subject of witnesses before committees. The act provides "That any person summoned as a witness by the authority of either house of Congress to give testimony, or to produce papers upon any matter before either house, or any committee of either house of Congress, who shall willfully make default, or who, appearing, shall refuse to answer any question pertinent to the matter of inquiry in consideration before the house or committee by which he shall be examined, shall, in addition to the pains and penalties now existing, be liable to indictment as and for a misdemeanor in any court of the United States having jurisdiction thereof, and, on conviction, shall pay a fine not exceeding $1,000 and not less than $100, and suffer imprisonment in the common jail not less than one month nor more than twelve months." Now, Judge Van Trump has put a question to you, and it is for the committee to determine whether it is a pertinent one. I have already expressed my opinion that it is.

The WITNESS. I do not wish to be contumacious about it; I am ready to answer the question if it is insisted on. I will qualify the part of my statement in regard to the gentleman being a democrat, for that perhaps is going too far. He is not understood to be a republican; he has not taken part in politics since the war. I do not think he has ever registered or voted since the war. He certainly is not a republican. If you want to know his name, and say that it is a pertinent question, I will give his name, though I say I dislike for various reasons to do so. He is a relative of mine.

The CHAIRMAN. I have already said that I think the question is a pertinent one. It is a question for the whole committee to determine.

Mr. POOL. I think the question is a proper one, and that the witness should answer it if Judge Van Trump insists upon it.

Mr. STEVENSON. I suppose, as a matter of practice, that every question should be regarded as admissible and pertinent, unless objection be made to it and the objection sustained.

The CHAIRMAN. I think that would be a very good practice.

The WITNESS. His name is Colonel George Reese. I will also state in that connection that his advice to me was given with particular respect to the difficulty I have mentioned as having occurred between myself and a young man on the evening of the election.

By Mr. VAN TRUMP:

Question. Why did you not state that before?

Answer. I did.

Question. You mentioned generally that he advised you to leave.

Answer. It had a political connection, too, at the same time. He knew that any difficulty I should get in there at that time——

Question. You can make any explanation you wish.

Answer. That is what I wish to do.

Question. Did you not say, in the first place, that this relative came to you and said that if the democrats had carried the State you had better leave?

Answer. Yes, sir; that is my impression.

Question. And you wish now to say that he advised you to leave because of your difficulty with that young man?

Answer. I say that had some connection with it.

By the CHAIRMAN:

Question. If you misapprehended my question to confine your answer to events that occurred at the time of the last election, I will state that that was not my intention. You can state your knowledge of events occurring during the last year.

Answer. I do not think we had any election before that during that year.

Question. State any events occurring during any election, showing the state of feeling in the community affecting the security of person and property.

Answer. I do not particularly remember any event of the kind occurring within the year. At the previous general election there was some disturbance, at the time of the presidential election. Some negroes were knocked down, I think, or something of the kind; I can hardly recollect what. There was a great deal of disturbance.

Question. On the day of the election?

Answer. On the evening of the day of election, a great deal of disturbance. What has occurred in the mean time I have forgotten.

By Mr. VAN TRUMP:

Question. Are you old enough to recollect scenes at elections before the war?

Answer. Yes, sir; I can recollect something about them.

Question. Were there not frequently knock-downs on the day of election?

Answer. Yes, sir.

Question. Were they not common in the South as at the North?

Answer. I do not know whether they were common there or not.

Question. Had you any trouble in the execution of the duties of your office as assistant assessor of revenue?

Answer. No, sir.

By Mr. POOL:

Question. Are there any organized bands of men in that county who go about neighborhoods in disguise?

Answer. I do not know whether there is or not. I have never seen any band of men in disguise there. As I say, on the evening of the Grant election I was not at that precinct; I was at the Cusseta precinct, about nine miles from there. A band of disguised men rode through the little village in which our precinct is situated.

Question. While the election was going on?

Answer. It was about sunset in the evening, and the polls were closed about sunset. I do not know whether the polls were closed then or not. I did not see the band; I heard of them.

Question. Have there been any whippings in that county?

Answer. Yes, sir; there have been whippings there at different times, but I can hardly recollect now at what times they occurred. The most of the acts of disorder there were soon after the close of the war.

Question. Have there been any whippings in that county within the last twelve months?

Answer. I think there have been. There was a case of whipping there right in our neighborhood within twelve months, I think.

Question. Who did it?

Answer. Some young men about town there. They whipped a colored man.

By Mr. VAN TRUMP:

Question. Were they disguised?

Answer. I think not.

Question. Was it in the day-time or at night?

Answer. It was in the night-time I heard them talking about it; they had the parties up before some officer of the corporation and inflicted some fine, I think.

By Mr. POOL:

Question. Do you know of any other whippings within the last twelve months?

Answer. I do not recollect any at this time—none that excited any notoriety or talk; there generally has to be something outrageous, something pretty bad, to excite any talk or comment.

Question. You do not know that within the last twelve months there have been men in disguise in the habit of occasionally riding through portions of your county?

Answer. No, sir; I do not at this time recollect any within the past year.

Question. What county is that?

Answer. Chambers County, in the eastern part of the State.

By Mr. COBURN:

Question. Do the people in that country, either white or black, carry arms?

Answer. I reckon most every white man keeps a gun about his house, as also do a great many colored men, I think; but I have rarely seen anybody going about on the

road with a gun on his shoulder; if he had a pistol I did not know it; it was concealed; but almost every head of a family has a gun about his house.

By Mr. POOL:

Question. Have you had any personal indignity offered you within the past year?

Answer. I do not remember; I think it has been about twelve months that I was in the lower corner of my division, which was also in my county; there was an old man there, who had been drinking, however, and when I called by there to attend to my business he took occasion to curse me as a damned radical, and all that sort of thing, and to ask what kind of tax would the damned Yankees put on us next; I paid no particular attention to him, as I saw he had been drinking; he had cursed me once or twice before, and had some grudge against me; something about looking into his distillery a year or two before.

By Mr. VAN TRUMP:

Question. He offered you no personal violence?

Answer. He did not strike me.

Question. Were there others around there?

Answer. Yes, sir.

Question. Was there any attempt to get up a row?

Answer. No, sir; he had it pretty much all to himself; he said he knew my family and where I was born, and that I was of too good a stock to be a radical; he cursed me until I left; there were but two or three little business houses in the place, and I was not there long; he was not more violent in that way than the rest of his party; he showed it a little more when he had been drinking.

By Mr. POOL:

Question. Have you heard any threats made against the colored people within the last year?

Answer. No, sir; if any had been made against them I would not have been likely to hear them; they would not be likely to make them in my presence; a number of colored men have told me of threats made against them.

Question. What was the character of the threats?

Answer. That they would be killed or taken off and whipped; that they would be run off the plantations they were living on, and all that sort of thing; I know quite a number of prominent colored men who did not sleep in their houses there for more than a month after the election; I do not know that they all sleep in their houses yet.

Question. Did they sleep in the woods?

Answer. I suppose so; off somewhere other than at home.

Question. Have their houses been visited?

Answer. Yes, sir.

Question. Within the last year?

Answer. Yes, sir; right after the election; I do not believe I have heard from any of them since the last of December, or the first of January.

Question. Visited by whom?

Answer. They did not know, or at least they did not say who.

Question. By men in disguise?

Answer. I do not remember whether in their communications they said they were disguised or not; perhaps in one instance they were disguised; I am not sure of that, however.

Question. Were any of their houses broken open?

Answer. I do not know whether their houses were broken open or not; they did not mention it; I suppose not, or they would have mentioned it.

Question. Were those visitations frequent, or only in one or two instances?

Answer. I cannot say how frequent they were, for I have received letters from only two or three of them.

By Mr. VAN TRUMP:

Question. You have received letters, then, since you have been here?

Answer. Yes, sir.

Question. From negro men in Alabama?

Answer. Yes, sir; and some I hear from through white men mentioning the circumstances.

By Mr. STEVENSON:

Question. Did they attribute these things to Ku-Klux; was there anything said about Ku-Klux?

Answer. The term Ku-Klux there is sort of understood to cover all political outrages, all these political disorders. They are sort of called Ku-Klux whether men are in disguise or not

By Mr. VAN TRUMP:

Question. Is there not something going on in this city now called Ku-Klux?

Answer. I have seen something about it in the papers; I saw the heading "Ku-Klux" in the paper this morning.

By Mr. STEVENSON:

Question. I want to know if that term is mentioned there?

Answer. It is common among the colored people there to say they are afraid of the Ku-Klux. But I do not think there have been but few bands of men in disguise going through there committing outrages.

Question. There has been but very little regular Ku-Kluxing?

Answer. If that is what you call Ku-Kluxing.

Question. That is what is understood by the term "Ku-Klux;" secret societies of men going about in disguise; that is a part of the proper definition of "Ku-Klux." You say the term was commonly used there, and that there was a general apprehension of them among the colored people.

Answer. Yes, sir.

WASHINGTON, D. C., *June* 9, 1871.

LEWIS E. PARSONS sworn and examined.

By the CHAIRMAN:

Question. Please state to the committee whether you reside in the State of Alabama and if so, in what part of the State.

Answer. I reside at Talladega, Alabama.

Question. How long have you resided there?

Answer. Since 1839; and I have resided where I now live since April, 1840.

Question. What public positions, if any, have you held in Alabama since the close of the war?

Answer. I have held none except that of provisional governor.

Question. Please go on, and state whether you have been called upon in any capacity to make inquiry into any disturbances or murders alleged to have occurred in the State; if so, to what extent did you make inquiry, and what was the result of that inquiry?

Answer. The governor of the State employed my firm to prosecute on behalf of the State certain persons charged with the murder of William C. Luke, a white man and a school teacher, and four colored men named Tony Cliff, Berry Harris, Cæsar Frederick, and William Hall. In the course of the investigation it was proven that on the same night, and by the same band of disguised men, another colored man by the name of Essex Hendricks was put to death by hanging and shooting, for he was both hanged and shot, about four miles from where these others were put to death.

Question. Please give the date of those occurrences, and the date of the investigation.

Answer. The murders were perpetrated on Monday night, the 11th of July, 1870, near a little village called Cross Plains, in the county of Calhoun.

Question. At what time did you proceed to make this investigation?

Answer. The governor convened a court, or requested a judge of the supreme court, who, under our constitution, has jurisdiction coextensive with the State, as a conservator of the peace, to go to that county and hold a court of investigation under our State law. He went there on the 8th of August, 1870, about a month after the murders. The governor also attended; General Crawford came also, at the request of the governor. When we got there we found that it was necessary to make an investigation in the best manner we could for the purpose of ascertaining who were probably concerned in the murder. For some reason, the white inhabitants, with one or two exceptions, neither came and offered any information, nor, when called upon, expressed any willingness to develop anything that they did know. Such information as could be obtained led to the arrest of nine persons, upon warrants duly issued, on affidavit, by Judge Peters. Do you wish the names of the parties arrested?

Question. You will please give them.

Answer. Their names were William Estes, Thomas I. Estes, Samuel Slaton, John Farmer, Shields Keith, Patrick Craig, John W. Neighbors, George Dempsey, and one other whose name I do not now call to mind. These men were arrested upon warrants charging them with having been concerned in the murder of these five men, Luke and others. The five men, to wit, William C. Luke, and the four colored men whose names I gave, were in the custody of the sheriff; Luke and three of the colored men upon the charge of having been concerned in shooting at some people returning from church, ladies and gentlemen, perhaps some children, on Sunday night, the 10th of July, the Sunday night previous to their murder. William Hall was not charged with any fault, except that on Monday night, after dark, he was taken from

his home, while sitting upon his door-step, and while his wife was engaged in preparing supper, by a body of armed men, who carried him off, because, as they said, he had given information to some other colored men they wanted to arrest, on the ground that they had also been engaged in the shooting the night previous, and that information had enabled those men to get away. His wife testified on the trial that she begged them not to take him away, and when they told her that she must go back, and if she did not, they would "shoot her head off," her husband said to her, "Good bye, wife; if I never see you again, take good care of our child." She said she never saw her husband again. He was carried to and put on the platform where these others were in the keeping of the sheriff and his deputy, and was taken off by the crowd of disguised men, and put to death along with the others, and at the same time. William C. Luke, Tony Cliff, Berry Harris, and Cæsar Frederick were arrested on Monday during the day by virtue of a warrant, issued by a justice of the peace, named Neighbors. He and another justice, named Steele, held an investigation a little before sundown on Monday evening, and they decided to commit those persons to the custody of the sheriff for safe-keeping, until the next morning at 9 o'clock, when the court would again assemble. The justice said that the evidence on the part of the defense had been closed, but that there was other evidence on the part of the State. For that reason he adjourned the court, and directed the sheriff to summon a strong guard, and to keep the prisoners safely until the next morning. During the day of Monday, early in the morning, in making the arrests of these persons, a negro named Jacob Moore was arrested, but he attempted to escape. They had not taken out any warrant for him at that time; did not obtain it until later in the day. When he was attempting to escape they ordered him to stop, and he not obeying the order, one of the crowd shot him in the rear, and he was wounded so badly that the physician said on Monday evening, when the other prisoners were committed to the sheriff's keeping, that he would probably die before morning. They accordingly left him in the school-house, where the examination had been had, without any guard, except that a couple of negro men were detailed to watch him and wait upon him.

By Mr. VAN TRUMP:

Question. The negro was arrested and shot by the State authorities?

Answer. No, sir; the arrest was made in the morning before the warrant was obtained.

Question. It was done by authorities representing the law?

Answer. No, sir; it was simply a voluntary arrest on the part of the citizens. They said they thought there was danger of the negroes getting off on the train going south, so that they could not be arrested when the warrant should be obtained. They obtained a warrant for this man and the others at as early an hour as they could get the justice, Mr. Neighbors, to come into town and issue it. This negro, Jacob Moore, was examined as a witness on the trial. He testified that during the night, while he remained in the school-house, various persons who were unknown to him came to the house, and also one who was known to him, to wit, Patrick Craig; that he did not himself think that he should die, but that he made out that he was very badly off, because he was afraid that, if he did not, they might take him off with the others, and he thought he was safer to remain where he was, under the impression that he would die before morning any way. This man identified the man who shot him; my recollection is that he said Shields Keith was the man who shot him when he attempted to run.

By Mr. BLAIR:

Question. At the time of his original arrest?

Answer. Yes, sir; when he was arrested in the morning about daylight, by a party of men who at that time had no warrant, but subsequently, as soon as it could be done, got a warrant and had him duly arrested. He was returned as arrested under the warrant, though up to that time they had no warrant.

By the CHAIRMAN:

Question. These are the facts, as disclosed upon the examination?

Answer. Yes, sir. The court commenced this investigation on the 8th day of August, but arrests could not be made for a number of days, in consequence of not having the necessary information upon which to base affidavits. But finally the information was obtained, affidavits were made, the arrests were made, and the trial proceeded, the evidence, as required by our statute law, being taken down in writing. Some one hundred and thirty or one hundred and forty witnesses were examined, and the investigation finally closed in October, about the 12th or 13th. This was an investigating court for the purpose of deciding whether there was probable cause for believing, first, that an offense had been committed, and, secondly, whether there was probable cause for believing that these parties were guilty, and ought to be held for trial. When the court adjourned in October, the grand jury of Calhoun County was in session, and, as the law requires, the testimony was sent to the clerk of the circuit court, to be laid before the grand jury, and the witnesses were all recognized to appear there to

testify. But the grand jury of Calhoun County declined to find any bill against any of these parties, but they did find a bill against Jacob Moore, for assault with intent to kill.

Question. Was Jacob Moore the man who was shot?

Answer. Yes, sir; early in the morning of Monday, by a party of men who came down from Cross Plains to Peytona, to make arrests, because, they said, they feared the negroes would go off on the train that morning, before warrants could be obtained.

Question. Please state whether that investigation disclosed the existence, in that county, of any organization known as the Ku-Klux; if so, to what extent did it disclose the organization and the manner of their operations?

Answer. The State examined a witness named Lewis M. Force, who proved that he had been a member of the Ku-Klux Klan. He stated that the organization in Alabama numbered from eight to ten thousand members, and that it had from ten to twelve thousand members in Georgia, where he was initiated, with headquarters at Atlanta; that the object of the organization was to control the negro vote, and to defeat the republican party in obtaining offices.

By Mr. VAN TRUMP:

Question. What has become of Force?

Answer. I do not know where he is now; I suppose he is in that section of the country. I asked him how he came to join that order, and, having joined it, why he withdrew from it. He said that he joined it for the purpose of obtaining aid from the organization to procure the arrest of a man who had committed a rape on his little daughter, about eleven or twelve years old, if I remember correctly; that he succeeded in arresting the man, after a very long and tedious pursuit of him.

By Mr. BLAIR:

Question. Was he a black man?

Answer. No, sir; he was a white man. He had him arrested and lodged in the jail of Cherokee County, Alabama. The witness further testified that shortly after this man was put in jail—I am giving what he testified, not what I know myself, except as he stated it—he was called on by the klan to aid in liberating this man; that the reason given for it was that the man and his friends had, during the previous year, I think it was, aided in liberating from jail the head man of the order, who was in jail in Chattooga County, Georgia; Summerville is the county seat, I think.

By Mr. BLAIR:

Question. Did he tell the name of the man?

Answer. Yes, sir; but it has escaped my memory. I can ascertain it, if desired, by referring to the notes of the evidence; I think I have it. That circumstance being of such a character as to be of publicity, I learned from the United States officers, then present, that the thing had occurred; that the liberation of that man had occurred at Summerville, in Chattooga County, as the man Force said, and the very man that he said. Mr. Force was not known prior to that time, and I did not know how much weight ought to be accorded to his evidence.

By the CHAIRMAN:

Question. Did he disclose the manner of their proceeding when he was initiated, and how they proceeded on their raid?

Answer. He described it very much as it is generally understood; that he took an obligation, of which he gave the substance; that he went out the same night he was initiated, and was present when a negro man was called out of his house and whipped by the gang then present; that they whipped him after having made him dance some time, and admonished him to behave himself better in the future.

Question. Were the defendants represented by counsel at that examination?

Answer. Yes, sir; a firm of very able gentlemen, General William Henry Forney and Chancellor Foster, who were then practicing law in partnership, represented them.

Question. Did this man disclose the names of other persons who were members of that organization?

Answer. He gave the names of those known to him, but they were residing just across the line in Georgia, not within the reach of the subpœnas of the court; only a few miles distant, however, compared with the distance from which some of the witnesses were summoned.

Question. Were any of them produced to contradict or corroborate his testimony?

Answer. No, sir, we did not obtain any of them, and the defense did not offer any evidence in regard to the existence of the klan, *pro* or *con*. I believe they did not even cross-examine Force; I think they declined to ask him any questions.

Question. Did he go on and state whether he had released that man from prison who was charged with the rape of his daughter?

Answer. No, sir; he came down to this court to obtain the necessary force for the safe-

keeping of the man, and he was taken from that jail by order, and placed in the jail of Jacksonville for safe-keeping, is my recollection.

Question. He declined to assist them in liberating him?

Answer. Yes, sir; and he said that he told them that if that was their purpose, to release men charged with such offenses as that, he would have nothing further to do with the organization. The man was subsequently indicted at the fall court in Cherokee County for the rape; he obtained a continuance of the trial of his cause until the last spring term. I have never learned what was done with him.

Question. Did Force state the strength of the order in the county in which these murders took place of which you have spoken?

Answer. I do not think he did.

Question. What is the political character of that county?

Answer. The county of Calhoun?

Question. Yes; the county in which you say the grand jury declined to act?

Answer. In 1860 the county voted, I think, by two thousand votes, or two thousand majority, for Breckinridge and Lane. It has always been a very decided democratic county, and I suppose is more so of late, aside from the colored vote.

Question. What is the proportion of white and colored population in the county?

Answer. The white population outnumbers the colored; the exact proportion, however, I am unable to state; but it outnumbers it largely.

Question. Does your statement embody the result of the examination, so far as this question of organization and crime is concerned, in that county?

Answer. What I have already stated is all the information we had of the general organization of the Ku-Klux Klan. But the proof in the progress of that trial, in regard to the operations of that klan, or of persons who were wearing the disguises, which it is understood the klan generally wears, showed that they had been operating all through that county and Cherokee County, at various points, and some up in Northern Alabama, ever since the year 1868. During the election in 1868, there was some manifestation by the klan in Huntsville, where a man was killed while standing on his door-step; not the man, however, that they intended to kill, as was subsequently shown. But in regard to this immediate vicinity of Calhoun County and its surroundings, the proof shows that in repeated instances colored men had been taken out and whipped with hickory withes; sometimes beaten very severely with canes—not a fair whip—and with other instruments; that they had been shot, in some instances seriously wounded, in others killed; and some had been otherwise outraged. In one instance there was proof of rape by a party of these fellows, who went into a negro man's house, drove him out, and raped his wife, threatening to kill her if she did not submit to their demands.

Question. How recently had any of these occurrences taken place?

Answer. They covered a period commencing some time in December, 1868, running through 1869, and down to the time when Mr. Luke and the four colored men were put to death in July, 1870. The proof showed that no raiding of the klan, that was known, had taken place since that time and up to the time when the court was sitting, which was in August, September, and October, 1870.

Question. Have you any knowledge of there having been any occurrences of a similar character in the county since that court was held?

Answer. I have no knowledge of any of these things, except as developed on that examination.

Question. Have you any knowledge, derived from your observation and intercourse with the people of that region, of any occurrence since October last, the time when your court of examination closed there?

Answer. A copy of two letters, or of notices, warning certain witnesses—white men—on behalf of the State in the trial to leave the country, or they would be whipped until their backs were "cut as fine as dogs' hair," were sent to me.

Question. Do you know whether that notice was actually served on the witnesses?

Answer. Not of my personal knowledge.

Question. Have there been any whippings and scourgings that have been reported to you upon credible information, as occurring in that region of the State, or in any other region, since that time?

Answer. No, sir.

Question. Were you present at a political meeting held in Eutaw in October of last year?

Answer. I was present at one when General Warner spoke.

Question. We have had the statements of General Warner and Mr. Hays, who were present at that meeting.

Answer. They were both there.

Question. Without desiring any repetition of general facts, will you state as briefly as you can your recollection of what occurred there?

Answer. My recollection is substantially this: that notice had been given that Governor Smith and General Warner would speak there. They invited me to go there and

speak also, as they said, at the request of a number of old whigs in that section of country. We were to speak first in Livingston, in Sumter County, and then at Eutaw on the following day. At Livingston we were interrupted by a number of persons, and no opportunity was given for a fair or connected speech. Governor Smith was interrupted from the moment he rose to speak. A young man came and stood beside him with a knife drawn, open in his hand, and brandished it about in a very threatening manner, striking his left hand on his breast, brandishing his knife, and standing up close beside the governor as he commenced to address the crowd, which was composed, so far as I could judge, of about five-sixths colored men and a body of white men standing off by themselves a little on the right. From what was said by numbers of them I supposed they were opposed to the discussion being had.

Question. This was in Livingston?

Answer. Yes, sir. A portion of the men who interrupted the meeting went up that night on the same train with us to Eutaw; others that I did not see on the train I saw at Eutaw the next day; they were present and took a part in the violence which occurred there. Just after I had finished my speech, or rather got down from the stand, for I did not have an opportunity of making anything like a speech, as I stepped down from the stand at Eutaw, Mr. Hays got up, as he said subsequently, to adjourn the meeting, not intending to make any speech. A gentleman approached me from the left, who knew me, and called me by name, and said that he thought it best Mr. Hays should not speak there or attempt to speak; that he was very unpopular, and the people were very much incensed, and it might lead to disturbance. He requested me to tell him so, but not to use his name in connection with it. I had never seen Mr. Hays to know him personally until that morning. I turned around and whispered to General Warner what had been said to me, and suggested that he should speak to Mr. Hays. Just as I rose up from conferring with him Mr. Hays struck the ground near the table he was standing on. I did not see anybody jerk him off the table, but I heard his feet strike the ground, and saw him standing there apparently somewhat excited. Mr. Hays said nothing, but in an instant a pistol was fired—a single shot—either from the room of the clerk of the circuit, which was just back of us, or from the door of the main entrance to the court-house just beyond; I cannot tell certainly which. Then, about as quick as men could draw their weapons and commence firing, a general shooting commenced at the crowd of negroes that were in front. There was a very large concourse there, I suppose somewhere between two and three thousand. I ought, perhaps, to state that, as Mr. Hays was pulled from the stand, or as he struck the ground, I saw several negro men start and move up toward him, and I saw one or two of them commence getting out their knives and about to open them. I put out my hand and said, "Don't do that; put up your knives; there must be no disturbance here." Just then the pistol shot was fired, of which I have spoken.

By Mr. VAN TRUMP:

Question. "Just then," you say; did you see the knives before you heard the shot?

Answer. I think I did; but the negroes put up their knives, as I requested them to do, and did not make any demonstration with them. They were moving up as if to protect Mr. Hays.

By the CHAIRMAN:

Question. From what direction did the shot come?

Answer. Out of the court-house, either from the door of the main entrance or from one of the windows. I do not know that any one saw the attempt to draw the knives except myself.

Question. Had Mr. Hays any weapon?

Answer. Not that I saw, and I had pretty good reason for noticing. He may have had some small pistol, but he certainly had none of the weapons which were had by the great body of men around me.

Question. Did you see him have any?

Answer. I did not; but he has told me since that he had a small pocket derringer in his pocket, but I did not see any signs of it. My reason for looking at him was, that I had heard a great deal of the danger Mr. Hays was in, and I further understood that he would not be able to come there that day. When he did come, I saw him dressed in the ordinary dress of a gentleman, and I took particular care to look over his person and see if he was armed. I supposed he would be armed; but I could not see any signs of it. He says, however, that he had a small pocket derringer. He did not use any weapon that I saw, or make any attempt to use any.

Question. Did you take any part in the preliminary attempt to have a joint discussion there?

Answer. I think I did; at least I knew of it; I do not remember whether or not I signed the paper. There was a proposition of that sort made, but the answer returned was that they would not recognize either the speakers or the cause; I think that was the substance of their answer.

Question. Was that effort made for the purpose, if possible, of preventing a collision?

Answer. So far as I knew it was with a view to have a peaceable meeting there; it was in the interest of peace and order.

Question. From what you saw there that day, and from your observation at that time, in traveling through other counties, were people free to utter their political sentiments without incurring danger?

Answer. No, sir; I think not. In fact, I am very certain they were not. Nothing was said there that day that could be just ground of offense; nothing was said by Senator Warner or by myself, so far as I am conscious of what I said; and I think I know pretty well what he said and what I said. My whole effort was to conciliate the old Union sentiment of the State; to conciliate all, in fact, but I hoped to obtain a more candid hearing from the old Union sentiment of that community, which, in old times, was largely whig; and of course my speech, as far as I could make any there, was shaped in that way. But I was constantly interrupted, in the most offensive manner; I will not say constantly, but repeatedly, so much so as to prevent anything like a continuous and connected presentation of any one feature of a political question.

Question. Had you frequently spoken in Eutaw in former times?

Answer. No, sir; I had never spoken in the town before. But I had been a whig elector in the State, and had held various other positions, which made me known to the people of the State.

Question. Were you well known there?

Answer. I supposed I was; at least I knew a great many persons there.

Question. How many persons were wounded there, according to your observation?

Answer. I never saw any scene of that kind before. I saw a great many fall as the shots were fired, and at the time I supposed they had stumbled and fallen, because they got up again and went away. But I have understood, from those who have had experience in such scenes, that unless a man is so severely wounded as to render him unable to rise when he is hit, the effect of the bullet frequently is to cause him to fall, and he rises again. The papers reported that there were some fifty-four persons wounded there, and that four of them died from their wounds. Whether that is true or not I am not able to say.

Question. Were any white persons wounded there?

Answer. Not that I heard of; I certainly saw none. I saw one colored man lying on a dray that night about sundown. His thigh was broken; it had been splintered and set, and he was lying on a dray in the street of the town. He told me that he was up there at the meeting and had been wounded there.

Question. Judging from the facts that came under your notice, from the fact of persons coming from the one county to the other, what was the conclusion at which you arrived as to whether that attack was premeditated, preconcerted?

Answer. My conviction, from what I saw in the morning before the speaking began, was that there would be trouble there that day, and I so advised Governor Smith and General Crawford. And I advised General Crawford to bring his entire force up to the town and have them in readiness for immediate action, believing that by so doing he would overawe the disposition to make trouble; that the presence of the troops would prevent any trouble. I told General Crawford that I knew the people well enough to understand the signs. The general did not seem to coincide with me. At all events, he did not bring his troops up. He had a small detachment stationed about two squares away, so that when the firing did commence they were not at hand to protect the colored people, and could not be got there in time to do any good at all.

By Mr. VAN TRUMP:

Question. Was this squad of troops within sight of the meeting?

Answer. No, sir; they were two squares away. The rest of his troops were out about half a mile distant. My conviction is that if the Government had shown, by the presence of its troops, a determination to prevent violence, there would have been none.

Question. Is it not a problem whether their presence would prevent or irritate?

Answer. That is a problem, it is true. But my conviction is that men will not resort to force when they know there is an equal or superior force to meet them. When the troops came up, as the detachment did, the whole thing was at an end; and for them to commence firing then would simply have been to make an assault in turn. If they had been there, and these men had attempted to fire just as they did, then force could have been repelled by force.

By the CHAIRMAN:

Question. Is there anything further you would state as evidencing the state of public sentiment there in reference to offenses of this character, these disturbances?

Answer. There is one other fact I should state in connection with this matter. We went down the next morning, on the train, to York station; in fact we went down to Meridian, Governor Smith, General Warner, and myself. General Warner, however, turned

back after we had gone some distance; I do not remember how far. He met a train going up on which were some friends, and he concluded that he would go back and keep an appointment at Tuscaloosa. On the train with us was a portion of those men who had been at Sumter on the day of the speaking there, and who were at Eutaw the day before. As they went down, whenever the train stopped people came up to them and asked them the news. Replies were made indicating what had happened, and in one instance the expression was made, so loud as to be heard by numbers of persons, to this effect: "We have cleaned out the damned radicals, and are going home." I heard that expression myself.

Question. Did you direct your attention to the subject so as to ascertain whether the public sentiment of the town of Eutaw disapproved or upheld this lawlessness?

Answer. I cannot doubt but that it is disapproved by some of the people, by a very considerable number, knowing as I do the general character of the population there. But, so far as I know, no manifestation of that disapproval was made, and I doubt very much whether it dare manifest itself just now.

Question. Has there been any manifestation in favor of upholding such lawlessness?

Answer. Not to my personal knowledge. I have understood that there have been manifestations of a very decided character, in defending these men who were subsequently indicted at the district court of the United States, at Mobile, and whose trial was set for last May; I think it was May; at all events it was during the late spring court.

Question. Were those demonstrations of a public character?

Answer. I understood that they were; I understood that there was a fair held in the town for the purpose of raising funds to meet the expenses of the men who were indicted there; that, however, is merely upon information.

Question. You do not know that personally?

Answer. No, sir; because I do not live in that county.

Question. Are there any more recent events than those of which you have spoken, which indicate the extent to which the laws can be executed in the State, or life and person be made secure?

Answer. The question is somewhat changed, I think, since the recent legislation of Congress. The manifestations on the part of the Federal Government, as shown by the recent enactment of Congress, and the action of the United States courts in giving force and effect to that enactment, and to the act of the 31st of May, 1870, have, it seems to me, from what I see and hear, produced an effect on the public mind. What will be the final result I cannot say; but I think the tendency has been to give them pause. Heretofore I have known of no instance in which a man charged with having killed a negro has been brought to trial and convicted, scarcely ever to trial even. On the other hand, whenever a negro commits any offense there is no trouble in obtaining a conviction upon reasonable proof, and sometimes when the proof is not so clear. That sentiment, however, has been, according to my observations, always the case, more or less, in the South, with reference to any white man. If popular prejudice sets in strongly against a man, I have found in my practice as a lawyer that it is almost impossible to offer evidence enough to acquit him. If popular prejudice sets in his favor, it is almost impossible to secure the conviction of a man, no matter what his color may be. It is, as my experience shows, one of the weaknesses of our system of trials.

By Mr. VAN TRUMP:

Question. Do you mean the system of trial in the South, or generally?

Answer. Generally; I see by your papers in the North that if a man is a popular man, there is always a strong influence made, if he is convicted, to obtain a respite or commutation of sentence.

By the CHAIRMAN:

Question. Were these acts of violence calculated to have, and did they have, any effect upon the result of your elections, by deterring men from voting, and thereby producing the contest which subsequently ensued in your legislature?

Answer. In my judgment they did. After a careful examination, as one of the counsel of Governor Smith, the then governor of the State, he became satisfied, as did also his counsel, that a great many men had been prevented from voting who would have voted for him, and also for other republican candidates, had it not been for the fear of consequences to them personally; also that a great many votes had been thrown out which ought to have been received. In that way he was reported to have lost the election by some 1,329 votes, if I am not mistaken; I may be wrong in regard to the exact number. We advised him to file a bill. However, I will state that ever since 1819, when the State was first organized, the constitution of the State has provided that an election to the office of governor may be contested before the general assembly in such manner as may be provided for by law. The legislature of Alabama has never made provision of law for any such contests, either prior to the war or subsequent to it. The existing constitution adopted in 1868, put in operation in 1868 rather, was in

that respect the same as the constitution of 1819, with this addition, that this right of contest is made to extend to other State officers, secretary of state, treasurer, comptroller, attorney general, &c. Upon an examination of the facts, and ascertaining in a very satisfactory manner what he could prove, the governor determined, under the advice of his counsel, to file a bill and obtain an injunction staying the declaration of the result of the election as to governor until the legislature could provide by law the mode of contesting that election as secured to him under the constitution. He believed that, as he was the incumbent of the office, if he had received a majority of the legal votes cast, he was not bound to give up that office to a man who had not received a majority of the legal votes, and permit him to be inaugurated, and then resort to some remedy by which to turn him out, such as a *quo warranto*, or anything of that sort. He made out a case in the estimation of his counsel and in the opinion of the judge to whom it was presented, duly certified to by affidavits, amply sufficient to authorize the injunction which was prayed for; a temporary injunction until, as the constitution required, legislation could be provided, and which, under the constitution, it became the sworn duty of the legislature to provide; for it was as much their duty to carry out the constitution as it was the duty of any one else.

By Mr. VAN TRUMP:

Question. Were you the counsel who advised that?

Answer. I was one of the counsel; there were two others, Judge Rice, formerly chief justice of the State for many years, and Mr. Alexander White, both of whom are very prominent lawyers in our State.

By the CHAIRMAN:

Question. Was such an injunction issued?

Answer. Yes, sir; the injunction was prayed for against the presiding officer of the senate, whose duty, in the language of our constitution, it is to open, count, and declare the vote for governor; I think that is the language. The then presiding officer of the senate respected the injunction, and declined to declare that vote. The incumbent of the office of lieutenant governor having died, the office of lieutenant governor was not contested, and the person elected being clearly entitled to have his seat, and if not properly elected it could only be inquired into by a *quo warranto*, the vote as to him was declared by the presiding officer of the senate, and he was sworn into office, I think. Thereupon the lieutenant governor said he would pay no attention to the injunction.

Question. Under your constitution he became then the presiding officer of the senate?

Answer. Yes, sir; by virtue of being inaugurated lieutenant governor of the State, he became presiding officer of the senate *ex-officio*.

By Mr. VAN TRUMP:

Question. Have you ever seen or heard of any precedents authorizing an injunction against the supreme legislative authority of any State government?

Answer. This was not against the supreme legislative authority, but against a presiding officer performing a mere ministerial duty, without any discretion being vested in him. We examined that question very carefully, and of course with reference to that particular phase of it.

Question. Did you find any authority?

Answer. Yes, sir; we found a great many, and according to the authorities, if the functions were of a judicial character, or if there was to be in the premises any exercise of any discretion, then an injunction will not issue, for the authorities say the court will not undertake to control the discretion of an officer. But when the duties of an officer are clearly ministerial, as the counting of votes and declaring the result of an election, the authorities are numerous going to show that the court will interfere; that where the right to office and the right to contest it are united in the same incumbent, and the legislature have not provided the means whereby he can do so, the court would grant a temporary injunction until that legislation was furnished.

Question. I do not wish to make any argument, merely to obtain the facts.

Answer. I merely wish to state the ground on which we advised our client. The lieutenant governor having been inaugurated, sent to the office of the secretary of state for the returns of the votes, opened the seals, and declared the result. From that time Governor Lindsay claimed that he was entitled to the office, and demanded it of Governor Smith. A public meeting was called by the friends of Governor Lindsay, and speeches were made in which the people were advised to disregard the injunction of the supreme court judge, and to disregard the whole proceeding, but to do it with as little violence as possible. The popular mind became very much excited, very much disturbed. A great many people came in from a distance; they were seen to have arms on their persons; nearly every one was armed with a revolver, a belt around him, and in a sheath suspended to the belt the revolver was carried, or it was carried in a pocket so as to be plainly visible. I saw a great many persons wearing them in that way. We have a provision in our code in Alabama by which a man, who, as an officer,

claims that he has a right to certain books and papers, may take a summary proceeding for the purpose of obtaining the books and papers that belong to the office. Governor Lindsay, under a process issued at his instance and in his name, I believe by one James Q. Smith, who is an acting circuit court judge in our State, required William H. Smith to deliver up certain books and papers and furniture in the two rooms occupied by the executive of the State of Alabama, and also the two rooms in one of the wings of the capitol.

By the CHAIRMAN:

Question. The executive chamber and its furniture?

Answer. Yes, sir, two rooms. The governor was required to appear in person before this judge at the court-house in Montgomery County and make answer, within a very brief space of time, a few hours only. Judge Rice appeared for him, but the presiding judge said he would not hear him, unless his client appeared. His client accordingly went down there. The court-house was densely packed. The trial proceeded, but no dicision was arrived at at that time. It was then late in the afternoon. The case came up again the next day, and the result was that Governor Smith, as he said in a card which he caused to be published, for the sake of preserving the peace of the community and avoiding serious troubles, abandoned the office of governor, withdrew from the contest and permitted Robert Burns Lindsay to take possession of the office, which he did immediately. The card of Governor Smith was published at the time in the newspapers.

Question. What was there, so far as you know yourself, to give rise to any apprehension of violence?

Answer. I was not in the court-room myself, and therefore cannot speak from personal knowledge. But I understood from Governor Smith and from others that the court-room, particularly in the rear of Governor Smith's seat, was densely packed by a body of men who were strangers in the community, and who had arms on their persons, as I have described, revolvers, who quietly took their seats on each day when the court met. The Governor felt that if he persisted in asserting his right before the courts to the office, there was great danger that there would be a popular outbreak of some kind; the extent of which, and the character of the violence which might result he did not know. But he wished, at all events, to avoid violence and bloodshed; that is the reason why he actually gave up the contest.

Question. Did you yourself see persons in town armed as you have described?

Answer. Yes, sir; many persons.

Question. Did the proceeding end there?

Answer. Yes sir, so far as I know; my functions in connection with it were at an end.

Question. Has there since been made in the legislature of Alabama any provision to enable him to contest the election?

Answer. Not that I am aware of.

Question. Has there been any session of the legislature since?

Answer. The legislature was in session at that time, and remained in session for a long time afterward. The treasurer of the State was also a candidate for reëlection at the last fall election; he had also filed a bill and obtained an injunction. When Governor Smith decided to abandon his case the treasurer also abandoned his case, and his opponent took possession of the office, notwithstanding there was a similar injunction against the counting of the vote for treasurer.

Question. Then, with the allegation made, whether well founded or not, that an election has been carried by means of violence and fraud, you have no means provided of determining whether that allegation is true or untrue?

Answer. Not in the case of the office of governor or any other officer elected by a general vote of the State; no provision has yet been made. These injunctions were obtained for a temporary purpose, in order to enable the provision to be made which the constitution required.

Question. Was any motion made in the legislature to provide a mode for contesting the election in that case?

Answer. I am not able to say how that was.

Question. What effect has this had upon the sense of security enjoyed by the people of the State?

Answer. I think the democrats profess to feel very much more secure; I think the republicans feel decidedly less secure. If it had not been for the legislation of Congress to which I have referred, I think their insecurity would have been clearly manifested before this time.

Question. From your own knowledge of that case, derived from your examination of it as counsel for the governor, will you state here as a witness, without regard to your professional opinion, whether it is your belief that good ground existed for making such a contest on his part?

Answer. Yes, sir; I believe there was good ground for it; I believe the violence that was practiced in the counties of Greene, Sumter, and Marengo was sufficient alone to change the result of the election in that State.

Question. The result as to governor?
Answer. As to governor and others.

By Mr. VAN TRUMP:

Question. What was the nominal majority for Lindsay as governor?
Answer. I think, as reported, it was about 1,329; I may be mistaken as to the exact number. In the county of Russell, on the eastern side of the State, there was a majority of thirteen or fourteen hundred votes in favor of the republican ticket. That vote, however, was thrown out entirely; that is to say, it was thrown out in this way: the sheriff and clerk were democrats; and the judge of probate court was a republican; those three officers constituted the certifying or supervising board, whose duty it was to certify the vote. The judge of probate certified the votes, or was willing to do so, but, as I understand, the other two officers declined to do so.

By the CHAIRMAN:

Question. So that there was no return at all from that county?
Answer. None, in making up the vote. The rejection of that vote, its being left out entirely, was one of the allegations in the bill, if I am not mistaken. Then in another county, at one poll, where several hundred republicans attended to vote, freedmen, the poll was not opened.
Question. Without going into details, I will ask you to state if you believe, from your examination, that sufficient ground existed to entitle Governor Smith to claim that the subject should be investigated and a contest made?
Answer. Yes, sir; I state here as a witness, not merely as counsel, that I believe there was full ground for investigating that election, and that it should be done.
Question. If the ground taken by you had been sustained, what effect would it have had upon the majority in the legislature?
Answer. It would have changed that as a matter of course.

By Mr. VAN TRUMP:

Question. Outside of any provision of your constitution, for I do not know what that is, is not the ordinary way of contesting an election of governor upon the question of counting out before the legislative body of the State?
Answer. We have no mode of contesting an election to the office of governor at all.
Question. Do you mean in Alabama, or in other States?
Answer. In Alabama. The provision of our State is that an election to the office of governor shall be or may be, I do not recollect which word is used, contested before the general assembly in the manner provided by law.
Question. That is in your constitution?
Answer. Yes, sir, and has been since 1819. The only difference in that respect, between the existing constitution and the first one, is that the right to contest is extended to the secretary of state, treasurer, comptroller, &c., because they are now elected by a general ticket system, whereas heretofore they were always elected by the legislature.
Question. Now, having made that statement, and that is in accordance with my recollection, I would ask, as a matter of curiosity merely, where you find authority, under such a constitutional provision as that, to go to the courts for an injunction to set aside the proceedings of a legislative examination and declaration of the vote for governor?
Answer. Where did we find the authority?
Question. Yes, sir.
Answer. I speak now from memory; if I had my brief I could give my authorities to you in detail. One case will be found in Barr's Pennsylvania Reports, on the power of the courts to protect every citizen in his rights, whether he be a natural or an artificial one.

By the CHAIRMAN:

Question. Do you remember the name of that case?
Answer. I cannot recollect the name of that case, but it was in 47 Barr's Reports.

By Mr. VAN TRUMP:

Question. Did it apply to this case?
Answer. I think it did in principle; I will state the facts of the case.
Question. I do not wish to consume the time of the committee by a detailed statement of the case.
Answer. We found cases of this sort, authorities in various States of the Union; if you will permit me to state the references as I recollect from memory, they will be found in some work on constitutional limitations; I cannot recollect now the name of the author, but the work is in the library of the Supreme Court here. The authorities on the subject are pretty well collated in that work.
Question. Did you find any case where the Supreme Court undertook to stay the action of the supreme legislative power of the Government?

Answer. If you mean by that whether we found a case in which the courts claimed the right to stay the action of a party claiming the office until the party in possession can have the benefit of legislation, such as the law contemplates, to enable him to contest it, the nearest we came to it is a case in which a corporation was required to do certain things; and the supreme court of one of the Northwestern States held that the court had that power.

Question. I have no doubt they have in regard to corporate bodies or local authorities; but I would like to see the authority, the constitution providing a mode of contesting a governor's election by the supreme legislative authority, where you find the power given to a court to interfere by an injunction, so far as the supreme sovereign legislative authority of the State is concerned.

Answer. The language of our constitution is to the effect that it is made the duty of the presiding officer of the senate to open, count, and declare the votes for the election of governor in the presence of a majority of the members of the two houses of the legislature; that is the very language used; the legislature, as a legislature, has nothing in the world to do with it.

By the CHAIRMAN:

Question. Taking into consideration the tone of public sentiment as prevailing in the State of Alabama, or in portions of that State, I will ask you if persons are free to go into those portions of the State and express their political opinions and advocate them freely, or is there proscription?

Answer. They are free to do so if they are willing to risk the consequences.

Question. What I mean is, may they do it with personal security?

Answer. I think not.

Question. To what portions of the State would you apply that remark?

Answer. I could not undertake to designate any particular locality in the State of Alabama in which a man would be safe to get up and give notice that he wished to advocate republican principles, and where he would be safe from insult and perhaps violence. If it was known that a distinguished man from abroad was about to visit the State for the purpose of speaking in behalf of the republican cause, it is probable that he would be unmolested now. I do not know certainly that any man would be molested, but I do not think a man could announce a speech at Mobile, Montgomery, Tuscaloosa, or even in my own town, in behalf of republican principles, without its producing very great excitement. I think there is very little freedom of discussion.

Question. Can a man, either a native of the State, a long resident, or one who has removed from the North and settled there, publicly advocate the right of the negro to suffrage and to protection in his civil rights, and still preserve in the State his social and political status?

Answer. His doing that would affect him to some extent, but how far I cannot say. There are a great many men who would feel, such is their detestation of negro suffrage, especially of negro suffrage and the right of the negro to sit in the jury-box, and to hold offices, and even seats on the judges' bench, that they cannot have any toleration for a man who entertains those views, whether he advocated them in the beginning or not; if he acquiesces in them now, and proposes to advocate acquiescence in them as a republican, in my judgment he is bound to feel the effect of that upon himself, more or less, in his personal and social relations.

By Mr. POOL:

Question. How about his business relations?

Answer. To some extent it would have its effect upon them also, just in proportion to men's necessities. Sometimes it is more marked than at others. I have heard several gentlemen in my State say that it has affected them very seriously.

By Mr. BLAIR:

Question. Does this arise from a conviction that the institutions of the country are unsafe in the hands of an ignorant class of people, easily led by a few demagogues?

Answer. I think that has a great deal to do with it.

Question. The people there see that this class of persons who have been enfranchised by act of Congress, affirmed by an amendment to the Constitution, are really unfitted by their condition of life, their want of information and knowledge, to exercise those franchises?

Answer. They think all that.

Question. Do they not have good reason to think so?

Answer. I think so; I thought it was unwise to make the negroes voters, particularly in mass. My own conviction was that in a popular government where two races exist who are so different, from any cause, that they cannot mingle in marriage and become one, the exercise of political power must be confined to one or the other of those races, if we wish to have peace and security; that when political power is placed in the hands of races who cannot in that way become one, all history shows that the dividing

line is very apt to continue in such a marked way as to render it difficult to preserve the peace, and have anything like a systematic policy of government.

By Mr. VAN TRUMP:

Question. Now if you add to that clear, philosophic, political statement the fact, if it is a fact, that the right of suffrage has been forced upon the people, would not that tend still more to aggravation; forced upon them by some superior power like the Federal Government?

Answer. If, for instance, the people of Alabama had themselves conferred suffrage on the negro they would have had no right to complain, except of their folly in doing so, if they found it did not work well. The fact that negro suffrage was made, by the Government of the United States, a condition of political reconstruction, has certainly not tended to reconcile the people to that state of things.

Question. Would you not be better satisfied with the converse of the proposition: that it has really provoked and irritated the people?

Answer. My own judgment is that it has. But the thing has been done, and the question is now, how shall we get along with it? How it may be in other States I will not undertake to say. But with reference to our own State, so far as I understand it, we think that as it is settled that the negro is to be a voter, and is free, and free certainly by our own act, for in Alabama we indorsed his freedom in the convention of 1865, which was a white man's convention, entirely based upon white man's suffrage, no negro voting in the election, nor was he invited to vote——

Question. We are not here to enter into an argument as to what would be the better policy, but to find out the cause for the existing state of things in the country.

Answer. The negro was made a voter in Alabama against the consent and views of what is best of the great body of the white people of the State. Now that he is made a voter, the republican party wish to educate the negro as well as the white child, and fit him for the duties of his new position. As I understand it, the democratic party is bitterly opposed, not only to the negro's voting, but to his education. There are some reasons why they might oppose education on such a liberal basis of expenditure growing out of our poverty, which reasons are peculiar to our present condition. But the great difference between the two parties, as I understand it, is this: The one proposes to educate the negro and make the best of his capacity, whatever it may be; the other is not in favor of doing so.

By Mr. BLAIR:

Question. In addition to the facts you have stated in reference to the hostility of the white race as a general thing, in your State, to negro suffrage, is it not true that these negroes have been banded together in leagues by men, as a general thing, of very little character, for the purpose of obtaining office for themselves? Is that not another reason for the hostility felt by the white people at large against negro suffrage as it is?

Answer. So far as I know personally, the negroes have not been so organized. I have understood that there were Union leagues, and that colored men were members of them; but I only know it from hearsay. I am not a member of one, and never have been.

Question. You know it upon evidence that is quite as good as that upon which you stated the existence of the Ku-Klux organization?

Answer. No, sir; because that was the sworn testimony of a witness, who, as I have since learned, was very fully corroborated by other witnesses in what he said; other witnesses who were then being examined before the judges of the supreme court of North Carolina, which court was then investigating the murder of a man by this organization. At the time this witness, Force, gave his testimony, I did not know how much weight and credence to give it; but I have since become satisfied that he told the truth in respect to that organization.

Question. Do you believe, from what you have heard and what you yourself have observed, that there is such an organization as the loyal league among the negroes?

Answer. From what I have heard I do.

Question. You do believe it?

Answer. I believe it, simply because I have heard it so stated; that is, the Union league, not the loyal league. The Union league is the one I refer to; I never heard particularly about a loyal league. I have understood there was a Union league.

Question. Do the negroes, as a general thing, act together compactly upon political matters, as men would who had been organized for the purpose?

Answer. Well, when they are not intimidated, so far as I know, they generally vote the republican ticket, notwithstanding we have been in the habit of telling them—when I say "we" I mean the white people of the State—that they ought to consider their old masters their best friends. According to my observation, the negroes will trust their old masters, with regard to any matters of business, just as implicitly as one man can trust another; but when they come to politics they generally seem not to have much faith in us; they think we did not set them free or give them the right to

vote, but did all we could to prevent them from being free and having the right to vote. I certainly opposed their having the right to vote, not for the purpose of crushing them, but to prevent them from crushing us. They do not think we are sincere, and we have never been able to convince them that we are sincere in our professions of friendship for them in regard to political matters; they have the idea that they are free, and voters, in spite of all we could do to prevent it. Naturally, if left alone, they will vote with the republicans. If they are told, "You shall not have this land unless you vote the way I want you to vote," or, "If you do vote that way the Ku-Klux will get after you," it will influence some of them. Some of them, too, are influenced by the kindness of their former masters and present friends; for I do not pretend to say, and I do not say, that there are not as many evidences of kindness on the part of the former master toward the man now free, who was his former slave, as you could reasonably expect, when you take into consideration his impoverished condition and theirs also. I think we have had bad white men; I do not know any community in which there are not bad white men; and bad white men in both political parties. But I am glad to believe that there are good men in both political parties. I think the general reason why the negro chooses to vote the republican ticket is because he knows that the republican party set him free, gave him the right to vote, and wishes to educate his children in order to fit them for the duties of their new condition. General Grant, in his proclamation declaring the adoption of the fifteenth amendment, quoted from Washington's Farewell Address on the importance of educating the children of the land.

By Mr. VAN TRUMP:

Question. Do you suppose that General Washington had in view particularly the black children when he wrote that part of his address, or that Hamilton had when he wrote it for him?

Answer. I do not know; but if it is necessary to educate white children, with all the advantages they have of family descent and surroundings, it certainly is necessary to educate the negro child, if you wish him to be a good and industrious citizen.

By Mr. POOL:

Question. You suppose that Washington had reference to all voters?

Answer. I think so.

By Mr. BLAIR:

Question. You made the remark in your testimony that if this decision in reference to the governor's election had been obtained, and was such as you contended for, it would have changed the majority in the legislature?

Answer. It is proper that I should explain what I meant in this way; as the returns show, it was a little doubtful which party had the majority in the legislature. The senate was largely republican; there were no senators elected at that election; the only members of the legislature then elected were members of the house. It was exceedingly doubtful which party had the majority. The democrats, however, when they got the organization, proceeded at once to contest out two republicans from Talladega, and a democratic member was permitted to take his seat from Randolph, I think it was; at any rate they got the majority. But if the returns had come in from all the counties, I think that instead of democratic members from several counties there would have been republican members returned; provided all the legal voters in the county who wanted to vote, and who attended with a view to vote, had been permitted to vote, and their votes had been certified according to law.

Question. Does not your constitution provide that each house shall be the judge of the election, returns, and qualification of its own members?

Answer. Yes, sir.

Question. If Governor Smith had been declared by the legislature entitled to the office of governor had there been a law in reference to it, by throwing out certain votes and counting other votes, how could that possibly have affected the result in reference to the election of members of the legislature, except, perhaps, by producing evidence which would have been acted upon by the legislature itself, each branch of it for itself?

Answer. My understanding is this, that the allegations of the bill being proven, it would have shown a state of the polls which would have entitled several republicans to seats in that body, who did not get seats there, but in whose places democrats did obtain seats. Whether they would have obtained them or not is another thing. That is the idea which the facts of that bill present very fully.

Question. You say that there were no elections of senators in that election. What was the reason for that? Does not your constitution provide that senators shall be classified and a certain number go out every year? And was that constitutional provision observed in the senate?

Answer. The senate say they did observe the constitution.

Question. You say there were no elections for senators?

Answer. The senate is the judge of the election, returns, and qualifications of its own members.

Question. In the same sense, the house was the judge of the election and qualification of its own members?

Answer. Yes, sir.

Question. And yet you undertake here, as a witness, to say that there were several republicans who ought to have been seated in the house, and who were not allowed to take their seats?

Answer. I say that if the allegations of that bill had been proven, that evidence would have shown that several republican members were entitled to seats who did not obtain them, and in whose place democrats did obtain seats.

Question. Notwithstanding the fact that the house, which was the judge of the election, returns, and qualification of its own members, determined otherwise?

Answer. Yes, sir; that is my judgment.

Question. Now, what was the provision of your constitution in reference to the election of senators?

Answer. I cannot give the exact language; but my recollection is that the senators were to be classified after the apportionment; that then a certain number were to go out every two years, I think; I am not now very clear as to the time they were to go out; but the classification was to take place under the next apportionment. Those who held that the senate ought to have made this classification so as to have brought on an election for a certain portion of the senators at the last election——

Question. One-half of them?

Answer. One-half of them, I believe. Those who held that, say that the apportionment referred to in the provision of the constitution was the apportionment which was then made; those who took the other view, as I understand it, held that the apportionment referred to was an apportionment to be made under the census, which was to be taken in the State, as provided for by the State constitution, and which is to be taken, I think, every ten years.

Question. Did not the constitution of the State provide that the term of a senator should be four years?

Answer. Yes, sir, I think so.

Question. If the apportionment and the classification do not take place until the time contended for by those who refuse to make the classification, will there not be certain senators who will hold their seats for six years?

Answer. I think so.

Question. Is not that a palpable violation of the constitution, one which will enable one-half of these senators to hold their seats for six instead of four years?

Answer. Ordinarily it would be, but the constitution of Alabama did not go into operation immediately, on the election by the people of Alabama, even if the people of Alabama had voted in favor of it by a majority.

Question. Which they did not do?

Answer. They did not do that. In any event that constitution was to be submitted to Congress, and the vote in regard to it also was to be submitted to Congress. And when Congress decided, and not until Congress did decide, was that constitution to go into operation. Congress did not make that decision until some time in May, I think, some time prior to the 20th of July, 1868. The military authorities under whose auspices and authority, or rather protection and supervision, the election under that constitution was held, reported a vote of some thousands less than a majority of the registered voters in the State. The act of Congress provided that a majority of the registered voters of the State should vote at that election; the military authorities reported that a majority of registered voters had not voted at that election. During all this time, the constitution and the officers elected under it were in abeyance, or at least not in active operation. There is an ordinance of the convention of Alabama which framed this constitution which went on to provide how the officers should hold their offices, and at what time the terms should begin to run. That ordinance was of equal dignity with the constitution itself, so far as the authority from which it emanated was concerned. If I recollect it correctly, that ordinance provides that the terms of office of most of the officers therein named should commence to run from the next general election.

By Mr. POOL:

Question. The next general election provided in the constitution?

Answer. Yes, sir; the provision in respect to senators, it is contended, does not fall within that classification, because in that ordinance certain officers are named; and in the inclusion of some and the exclusion of others that rule is held to apply.

Question. You spoke of the uncertainty about the majority in the legislature; and you said that the majority in the house depended upon certain districts. Did you not intend to be understood as meaning that it required the addition of those members to give a majority of the legislature on joint ballot; that is to say, to enable the ma-

jority which the democrats had in the house to overcome the entire body of the senate, which I understand is republican?

Answer. The senate is not entirely republican, there are some few democrats.

Question. Was that not the understanding which you intended to convey?

Answer. I meant to say simply what I have said; that if the allegations of Governor Smith's bill were proven, as we had reason to believe we could prove them, it would show such a vote in several counties in various portions of the State as would entitle republicans instead of democrats to seats in the legislature.

Question. A certain number of them?

Answer. I cannot say the number, but several of them.

Question. The fact is that the democrat majority in the lower house was large enough to overcome the republican majority in the senate on joint ballot, that the entire senate held over and there was no election for the senate.

Answer. It is the fact that the entire senate held over, and there was no election for senators.

By Mr. VAN TRUMP:

Question. Did the prayer of the bill require a reorganization of the legislature?

Answer. No, sir.

Question. You spoke of that as evidence.

Answer. Showing that in regard to the election of governor, would necessarily show if violence and intimidation were exercised to such an extent as the bill charged, and men were deterred from voting for him as governor; showing that would necessarily show that a number of thousands of votes were lost to the State for the republican party. Whether that could have been proven is, of course, a question.

Question. Was there any contest in the house of representatives as to those members who have been affected by these votes?

Answer. No, sir; there was no chance for it, and two members from Talladega who were in could not retain their seats.

By Mr. BLAIR:

Question. In giving an account of this contest for governor, I think you omitted to mention, what I have seen stated as a fact, that Governor Smith attempted to maintain himself in office by the use of troops, and that he occupied the capitol building with troops. Is that the fact?

Answer. What I know about it is this: Governor Smith received a notice from Governor Lindsay, through Colonel J. J. Jolly, if I am correctly informed, calling on him for the office and claiming it as his right. Governor Smith, as he said, saw a gathering there toward night, the object of which he could only surmise. He and his private secretary, and one or two others, perhaps, were there alone. He called on the sheriff of Montgomery County to take such steps as might be necessary to prevent any disturbance there. I think his bill, to which I have referred, had already been filed. The sheriff of Montgomery called on the military who were there to aid him as a posse in that behalf; and such soldiers as were there were there in obedience to that call by the sheriff, and for the purpose of preserving peace and preventing any violence of any kind.

Question. Did they occupy the capitol building?

Answer. They were in the basement of the capitol, or in that portion of it where the executive office is.

By Mr. VAN TRUMP:

Question. Were they Federal or State tooops?

Answer. They were Federal troops, not State troops. Governor Smith has persistently refused to organize State troops.

By Mr. BLAIR:

Question. Was there not an order from Washington for those troops to withdraw from the building?

Answer. I do not know; I heard that there was such an order.

Question. The troops retired?

Answer. They retired; they were there as a posse. At all events, there never has been any revocation of the general order, so far as I have heard, which authorizes the sheriff of the county to call upon a military officer for the aid of his troops as a posse. At the same time that I heard this order had been sent to the troops to remove from the capitol, I heard that it had been sent under the impression that the military commander had acted without any request or authority from the sheriff; but I do not know that from any knowledge of my own.

By Mr. POOL:

Question. You say there were strangers in the court-room when Governor Smith was required to go there?

Answer. I did not go in the court-house at all, but I was so informed.

Question. Speaking about the majority in the lower house, if the allegations in the bill had been proven, would it not have shown enough republicans entitled to seats in the lower house to have given a republican majority?

Answer. That was the opinion I had upon the evidence; I may have been mistaken about it.

Question. You say you think the allegations of the bill could have been proven?

Answer. If they had been proven and the men permitted to take their seats ——

Question. It would have given a majority in the lower house?

Answer. Such a vote in the lower house as to have secured a majority on joint ballot.

Question. Not a majority in the lower house?

Answer. No, sir.

Question. Have you heard of any Union Leagues in Alabama lately?

Answer. I dont think I have heard anything about the league even as late as 1868; it was along the last of 1867 or the first of 1868.

Question. You have not heard of any Union Leagues since 1868?

Answer. Not in operation; I have heard them spoken of as things that had been. There may be Union Leagues there now, but I do not know anything upon the subject, *pro* or *con*, from my own knowledge.

Question. Judge Van Trump asked you if the fact that negro suffrage, the right of negroes to sit in the jury box, and other privileges which they enjoy, having been forced upon the people of Alabama by the Federal Government, was not a source of irritation, and one of the causes of this resistance, and you said you thought it was?

Answer. I think it was one of the causes.

Question. You said that those rights had been conferred without the consent of the white population of Alabama.

Answer. Yes, sir.

Question. Is this Ku-Klux organization, in your judgment, intended to resist by intimidation the free exercise of those rights on the part of the colored people?

Answer. That is the conclusion I have formed, from what I have seen and heard. The testimony of the witness Force was direct that it was intended to control the voting of the negroes.

Question. To prevent the free exercise on their part of the rights which the Federal Government had conferred upon them?

Answer. That was the idea his testimony stated with distinctness.

Question. You stated that was your opinion?

Answer. What I have seen has tended to confirm me in the conviction that he told the truth about it.

Question. That is, that this organization of Ku-Klux was for the purpose of resisting the legitimate consequences of the conferring of those rights on the colored people?

Answer. I do not know that I could answer on that point. The idea was that they wanted to control by this means the negro vote, and also to control his labor.

Question. To control his labor?

Answer. Yes, sir; and I intended to state so before, if I did not.

Question. Without wages?

Answer. They meant that he should work only for such persons and upon such terms as they sanctioned.

Question. You then look upon it as simply a resistance to the free enjoyment of equal rights on the part of the colored people?

Answer. I can come to no other conclusion than that, upon the evidence which he gave and upon evidence I have obtained in various other ways.

Question. Is it not a fact that the majority of those who voted upon the adoption or rejection of the constitution of Alabama voted for its adoption?

Answer. The act of Congress provided that at least a majority of the registered voters of the State must appear to have voted in the election. In Alabama the entire vote in the election did not make a majority by several thousands of the registered voters of the State. The great body of the white people, I cannot state the exact number, but the great body of the white people, nine-tenths of them certainly, I reckon, were utterly opposed to making the negro a voter in his then condition.

Question. Have you ever known any one convicted of any of these outrages which are attributed to, or done by men in disguise?

Answer. No, sir.

Question. Have there been any indictments by the grand juries?

Answer. There was a prosecution, at the last spring term, in the county in which I live; but the parties were acquitted, notwithstanding the direct testimony of the man and his wife. I was not concerned in the trial, but I was informed that the testimony of the colored man and his wife was positive as to the identity of at least one of the parties.

Question. Upon what testimony did they get clear?

Answer. Upon testimony that was satisfactory to the jury.

Question. Did it go to prove an *alibi?*

Answer. Yes, sir; the *alibi* is the great resort in cases of violence, and insanity in cases of murder, I believe, as a general rule. That was the defense in the trials in Calhoun County, an *alibi.*

By Mr. BLAIR:

Question. Were the juries mixed juries?

Answer. I do not remember whether the jury was a mixed jury that tried those alleged Ku-Klux who were tried last spring in our court; but we have had mixed juries there.

Question. Is it not the rule that persons of color are equally entitled to sit on the jury with whites?

Answer. Yes, sir; they have to sit there, though incompetent. Many times the poor creatures feel they are utterly unfit for the duties of the place, and, as I am told, they say to the white jurors: "You fix up this verdict, and we will agree to it." That is not because they are corrupt, but because they do not feel capable of doing anything in the premises.

Question. It is not their fault then?

Answer. No, sir; politics has been forced into the question, but we never would have had it forced on us if we had done right in 1865. We had, in 1865, a white man's government in Alabama, as there was in every other Southern State, but we lost it because certain men in the South were dissatisfied.

Question. Was it not rather because certain men in the North insisted that negroes should be allowed to vote because they would vote the republican ticket?

Answer. I do not know about that; but I felt very well persuaded that the true policy for us was to have at once taken the negro right under the protection of the laws, as we do our wives and children. When they became free they had no master to take up their defense, and if the law did not protect them there was no protection for them. We did not do that, however, but undertook to make negro codes, and while admitting that they were free, practically undertook to so reconstruct them as to make their freedom a curse rather than a blessing. That is the great blunder we made.

Question. Is it not more of a curse now, where the power of the State is put in their hands?

Answer. It is a great evil; but when the thing is done and made a part of the law of the land, it seems to me that it is the part of wisdom to educate their children so as to fit them for the new sphere of life to which they are called. In old times the moral persuasion of the negro was the whip. We said, "If you do this, I will whip you;" or, "If you do not do that you will be punished." The law as it then stood did not permit the cultivation of the moral sense of the negro child, and the grown-up negro man was only educated morally as he obtained it by contact with the superior race with which he mingled. The negro child did not receive the training which we give our own children, and which we find it necessary to give our own children, and without which they would fall into vice and crime, and even with which it is not always certain that they will not do so. But the certainty is far greater when they do not have that training The negro was controlled by means of the whip and the lash in slavery times. When slavery was abolished the negro was not thereby transformed into an angel of light. That negro who was a good servant while in slavery, as a general rule, was a good man when he became a freedman; and the negro who was idle and vicious before, still remained so. You must make allowances for them now. I was born and raised in New York, but I went to live in Alabama immediately on coming of age, and have lived there all my life since. I think I know something of the southern people; they are a warm, generous-hearted, and impulsive people; but they were accustomed to having their own way, and to be obeyed when they gave an order. This sudden transition of the negro race from slavery to freedom, without the consent of the white population there, and without preparation on the part of the negro race, gave a great shock to the people, as you may well understand. The consequence was that men naturally fell back into their old way of dealing with the negro with the lash. It was not safe to do it openly, but this secret organization furnished a way to do so. It was not organized in the first instance for this purpose, as I learn, but for a very different purpose; I do not know what it was; but it came to be understood that in this way negroes might be made to toe the mark again, to do the bidding of the employer, to come up to time a little more promptly, and do more work than they would otherwise do. It also soon became apparent that in this way the negroes could be deterred from voting, as they naturally would be. As I said awhile ago, the negroes will trust their old employers about any matters of business just as implicitly as one man can trust another, but they will not trust them in politics. They have no faith in our speeches unless they see that we act with the republican party.

Question. Have they now full faith in those fellows who promised them forty acres of land and a mule each in order to get their votes?

Answer. I do not think they have. Although I have heard a great deal said about

that, I have never distinctly known it to be proved that any such promise has ever been made to them. Still, I have heard so much said about it that I have always thought there was some foundation for the statement. But, after all, the great underlying sentiment in our Southern States, so far as I comprehend it, grows out of the difference of opinion in regard to the constitutional powers of the Federal Government. Men have been educated, and have grown up in the belief, which they entertain as honestly as men can entertain any sentiment, that the States had a right to secede, and that in the last resort they were the sole judges as to when and how to exercise that right. They honestly believed that, and it is not worth while for us to shut our eyes to that conviction. In the next place, they believed that before the war the Union operated prejudicially upon the interests of the South; that if the South was out of the Union, she, by means of her staple productions, especially cotton, could form relations with other governments much more advantageous than her relations with the Federal Government, and that it was better for them to go out of the Union. That was their creed, and they honestly believed it; and in the effort to put it in practice they periled everything men hold dear—life, fortune, the institution of slavery itself, and all else were put upon the issue. There was another large class of our people who entertained different views. They did not believe in the right of a State to secede; they had still less faith in it being wise and politic to attempt it. They believed that so long as the Union could be maintained it would save us from great standing armies and navies, and from the taxes which inevitably follow in the train of such establishments; that it would save us from the conflicts which for the last hundred years have deluged Europe with blood, and of which we now see a terrible example. The area of the United States is not larger than that of Europe. Yet prior to the war we had only thirteen thousand men as a standing army, while in Europe, in consequence of their many separate nationalities, there were standing armies of from five to seven millions of men. While we preserved the Union we were relieved from these establishments and from taxes to support those establishments. Under the Union we had a uniform standard of weights and measures; our commercial intercourse was free and unrestricted; we had a uniformity of post-roads and a uniform currency. In the opinion of this class of our people, in the language of Washington in his farewell address, the Union was the palladium of liberty. But in the opinion of men educated in the other school, the Union, even before the war, and of course it is much more objectionable now, was the means of sapping our very life-blood, drawing our resources from us, and giving nothing in return. These men entertained their opinions with honesty; and so far as that is concerned matters stand now as they stood then. With individual exceptions here and there, men who then believed that the States had a right to secede believe it still; men who were not in favor of the Union then only regret now that they did not make their movement a success; the advantages of the Union do not, in their opinion, afford any sort of compensation for the losses entailed upon us. The state of things now is to them beyond expression horrible and distasteful. In my judgment these men are not enraged against this Government because they are disfranchised, but because they have not been permitted, since the war at least, to manage their own affairs. They feel, therefore, that they have a continual ground of grievance against the Government.

By Mr. VAN TRUMP:

Question. Do they not feel the immense pressure of this fact, the parallel to which I believe does not exist in all history, that those who were formerly their slaves are now really placed over them as their superiors?

Answer. Of course they feel it.

By the CHAIRMAN:

Question. Taking this view of it which you have given us, are not these acts of outrage and cruelty upon the negro race and upon those who support their rights, simply war upon the part of people who hold one set of opinions against those who uphold another set?

Answer. There are acts of violence.

Question. War carried on with arms?

Answer. If the circumstances are such as to make it amount to war, the committee can judge. There is an organization, but it does not come in the daytime with music and banners, but in the night-time, in silence and in disguise, as I am told by those who have seen them, and as was shown by the proof in the trial. They have often been seen in that section of country. It is a spectacle calculated to make men's blood run cold when they see what they do. It is an organization of the most dangerous character in any country, and especially in a country where the causes of dissatisfaction, whether real or imaginary, are as numerous as the people of the South think they are. If the Government permits that organization to go on, it is in effect surrendering the peace and good order of the community, and everything which men hold dear, into the hands of a lawless, irresponsible, and violent set of men.

Question. If these sentiments of which you have spoken are at the bottom of these proceedings, is it possible to control the community in which these things occur by the force of civil proceedings in the courts?

Answer. I hope it is; I hope and trust we shall have a sober second thought in regard to what course to take, and not have to fall under military discipline before we come to our senses. What I have said in regard to the division of sentiment among the people is for the purpose of showing, so far as my opinion and the reasons for it may be of any value, first, in what way and to what quarter the Government must look for a movement in behalf of law and order; and then, in the next place, that the Government may know how to judge of the real sentiment of these people. They ought not to be regarded in the light of great criminals—that is, men who have a malicious purpose toward everybody. They are men who feel, and no doubt honestly feel, that their rights have been trampled under foot, as they regard it. They may claim rights they are not entitled to as a free people; but notwithstanding that, they feel just as much outraged as if those rights were ever so clearly theirs. The facts are there; they are dissatisfied.

Question. In the returns for 1868 it is stated that the vote cast for the adoption of the constitution was 80,318; the vote for the Grant electoral ticket was 76,366, and for the Seymour electoral ticket, 72,086. I find no vote stated as having been cast against the adoption of the constitution; but finding about 4,000 more votes cast for the constitution than is cast for the Grant electoral ticket, I wish to ask you what vote among these returns would fairly represent that part of the vote of the State which declined to express itself upon the question of the adoption or rejection of the constitution?

Answer. The vote of the entire body of the white people of the State, if it had been registered, would have amounted to something between 90,000 and 100,000; but the great mass of the white people of the State refused to vote at all upon the question of the adoption or rejection of the constitution, myself among the number. And in regard to the election for President, they became satisfied before the election was over that General Grant would be elected, and a great many did not go to the polls and vote who would have gone otherwise, probably.

Question. Was the refusal to vote upon the constitution largely upon the ground that the whole reconstruction policy was void and worthless?

Answer. Yes, sir, so far as I know. I did what I could to prevent that constitution being adopted, or any action being taken upon it; I urged the people of the State to take no action in the election at all. But in the presidential election I urged them to vote, for I thought that was our only salvation to get clear of negro suffrage; I thought if the democratic party succeeded that we should be able to get clear of it. I thought then we would be enabled to inaugurate in Alabama a system, as I trusted they would in other States, by which the white and the colored race would be able to get along together as peaceably and properly as in the nature of things we could expect.

By Mr. COBURN:

Question. You acted with the democratic party in 1868?

Answer. I did then; but when the election was over I came out and said that, having voted against the republican party as long as it was worth while, it would be better to make terms with them, work along with it, and in that way acquire their confidence. As long as we opposed them they were suspicious of our intentions in regard to the negro and the perpetuity of the Union. I think now, looking back over the past, that I committed a great error in not urging upon the first convention of 1865 the addition of a qualified negro suffrage. I believe if we had done that we should have been accorded a recognition as a State in 1865 and 1866, and that Alabama would have been admitted to representation in Congress, no matter who were to take seats as Representatives and Senators.

By the CHAIRMAN:

Question. While on the subject, I will ask you if it is not your opinion that had the Southern States accepted the fourteenth amendment to the Constitution, they would not have retained this question of suffrage in their own hands?

Answer. At that time I was entitled to claim a seat in the Senate of the United States, having been unanimously elected to that office; although I could not take the iron-clad oath, I endeavored to ascertain whether we would be admitted if we accepted the fourteenth amendment.

By Mr. BLAIR:

Question. In other words, as a supplement to the question of the Chairman, if the whole southern people had turned republicans at that time, it would have been all right?

Answer. I did not understand them to make that condition. They did not feel certain that we could be relied upon in regard to two things: first, in regard to the negro, who must be in a great degree committed to our charge; and, second, they did not

have entire confidence in regard to our implied submission to the Union. But they feared that second less, because they knew they had the physical power to put us down if the issue should ever again come. But they feared that we would not deal fairly with the negro, if the question was put beyond the control of Congress. Let me add one word about the fourteenth amendment. I could not ascertain that Alabama would be admitted and recognized as a State, even if we did adopt that amendment. On the contrary—I did not get it from Mr. Sumner himself, but I got it in such a way as to lead me to believe it—I was led to believe that Mr. Sumner and Mr. Stevens had still further purposes, which were not communicated, as to us. Therefore, we could not see anything to be gained by adopting an amendment which was only to be made a stepping-stone to some other proposition.

By Mr. COBURN:

Question. Was there anybody really who had authority to make a bargain?

Answer. I suppose if the leaders of the party had said so it would have been all right. Mr. Wade himself would not say for a long time what they would do. I think he said in New Orleans, in a speech he made there, that if the fourteenth amendment was adopted by any State he should feel bound to vote for the admission of that State. But it was then too late; most of the States had acted on the amendment.

By Mr. VAN TRUMP:

Question. Do you know anything of the character or standing of this man Force, whose testimony you have referred to?

Answer. Only from an inquiry I instituted with reference to him after he appeared there, asking that the man who had outraged his daughter should be secured. He then communicated to me that he knew something about the Ku-Klux. Before I put him on the stand, I made some inquiry about him, but the result was not very satisfactory. I did not get an opportunity of satisfying myself until I met with Judge Haroldson, the judge of the circuit court in which Cherokee County is included. From him I learned that Force was a man who could be relied upon for the truth of what he might state.

Question. Does this Force still live there?

Answer. He stated that he had been compelled to go armed ever since he made the issue with the men of the organization; that in fact he had had a fight with them right on the spot, when he told them that he would go with them no longer; and that he had wounded one of them.

Question. One question in regard to the Eutaw meeting; you said there was a large meeting?

Answer. Yes, sir.

Question. What was the relative proportion between the whites and the blacks?

Answer. The preponderance was very largely on the side of the blacks.

Question. Were there more than one or two hundred white men there?

Answer. I cannot state what number were there; they were there in considerable numbers; the town itself is a pretty large town.

Question. What is your impression about the negroes being armed?

Answer. I saw only two or three armed, with an ordinary pocket-knife, such as men generally carry; I saw none armed with arms of any other kind; their conduct was as peaceable and orderly as ever was seen at a meeting, until the fuss with Mr. Hays, when two or three stepped forward from my right, but immediately desisted when I spoke to them.

Question. Do you remember about the negroes forming a line across the street?

Answer. No, sir, I did not see it; they got away as quickly as they could.

Question. Did you hear them fire from across the street?

Answer. No, sir, I did not. As soon as I could get away, after the firing, I went across to the hotel, and went up to the room of Governor Smith. It was his chill day; he had not spoken that day, though he spoke the day before.

By Mr. POOL:

Question. The right to vote, to sit upon the jury, &c., conferred upon the colored man, are all embraced in the general expression, "reconstruction policy of Congress." Do you consider this Ku-Klux movement a resistance to that reconstruction policy?

Answer. Well, I cannot say that I have any definite opinion on that point—that is, one which is satisfactory to myself; the inclination of my mind is that it is a resistance to that policy. I am inclined to believe there is a general dissatisfaction. If you include in the "reconstruction policy" the making of the negro a voter, then I think it is. It is his being made a voter that has given point and effect to this whole business.

Question. If the Government of the United States should reverse that policy, should abolish the reconstruction laws, should rescind the constitutional amendment, do you think it would have any tendency to restore quiet and peace there?

Answer. It would make those who are dissatisfied on that ground better satisfied,

but it would make a dissatisfaction on the other side. For one, I am opposed to any rescision, for I think now that it is adopted, we had better do the best we can with it. In a few years these things will pass away, and the Government is of far more importance than these temporary things.

Question. If the Government will not retrace its steps, then what policy should the Government pursue?

Answer. I am certain of one thing, that we cannot do anything without having law and order; there must be that security which comes from the maintenance of law and order by means of the courts, before there can be any real peace and prosperity in any country.

Question. What can the General Government do to secure that?

Answer. I think it is taking the right course by adopting these measures which were passed last winter. If our people will only learn wisdom, and begin executing the law in our State by the State courts as we ought to, give protection to the people, no matter what their political sentiments may be, so long as they do not violate the law, it will be all right. It is no crime for a man to think the republican party is entitled to his confidence and support; when it becomes a crime let him be punished for it. These men are emboldened to go on in their course, from the fact that they believe that such is the general sentiment no jury would indict them, or if an indictment was found, none would convict them. Since the Congress enacted these laws it has given them very decided pause, especially when they read the proclamation of the President, warning the people that if it becomes necessary, he will exert all the powers with which Congress has clothed him; that has set them thinking.

By Mr. BLAIR:

Question. How much does this repressive policy of Congress differ from the policy which exists in Ireland?

Answer. This is no such repressive policy as that, for the simple reason that the cases are not similar. The repressive policy in Ireland is a very different affair. In the first place, the Irish were conquered by invasion, and they have been settled, as they term it there, about three times.

Question. How were those people down south conquered?

Answer. You ought to know, for you helped to do it, and I was mighty glad to see you when you were doing it.

Question. Was it not by invasion?

Answer. By putting down armed rebellion.

Question. Was not that the same thing in Ireland?

Answer. No, sir; Ireland was free and independent.

Question. Were they not conquered by invasion?

Answer. Yes, sir; but they were a free people when their country was invaded, and they owed no allegiance to the government of Great Britain.

Question. Were not the people of the South a free people?

Answer. Yes, sir, but they owed allegiance to the Constitution of the United States.

Question. They owed allegiance to their Government.

Answer. They owed allegiance to the Government of the United States; there is no denying that, for if they did not, then the Government of the United States is a mere myth.

Question. I will not go into that matter with you, for we may not differ much on that head. What I want to know is, in what do the repressive measures adopted by Congress toward the South, differ from the repression which for three centuries has been adopted by England toward Ireland?

Answer. It differs in this: in Ireland there was no race of people to be set free and to be provided for; all were free.

Question. Does not that make it more difficult in the South?

Answer. Our difficulties are very great; I have not gainsaid or denied that; I admit it. But Ku-Kluxism only aggravates them; it aggravates the evils and does not modify or improve anything.

Question. Is it not the outcropping, rather, of oppression and tyranny, exactly like the outbursts in Ireland?

Answer. In the first place, the Irish people were a separate and independent nation; they were under no obligation whatever to the British government. They were simply invaded and subjugated, and naturally they resisted it. That was not the case in the South. Our forefathers formed this Union of their own accord; in the convention little Delaware and Rhode Island had equal power with Virginia, Pennsylvania, and New York. Those men had never fought each other; they had never shed each other's blood, nor had their forefathers done so. They met as equals; they formed the Constitution, and said they did so, among other things, "to preserve the blessings of liberty to themselves and their posterity." The sword of Brennus was not thrown into that scale. They met as equals; they made the flag upon which each star was equal. They were bound by the Constitution they formed; their children were bound by it.

It was our duty to stand by it, in view of the immense benefits which it conferred, and of the evils that would result from destroying it. I bless God that it was supported—that others did stand by it; I could not do it; I would have done it if I could. I intend never again to be placed where I cannot stand by it, and, if need be, die for it.

By Mr. VAN TRUMP:

Question. We will not differ on those propositions. I admit the great error, and political crime, perhaps, which the Southern States committed in seceding; they had no constitutional right to secede. But when we look at it in the general aspect; when we come to consider that the difficulties that now surround us surrounded the men that formed that Constitution; that the battles which were fought between the confederate soldier and the Federal soldier were fought in these very halls; that at last the battles that were fought in these halls culminated in an appeal to arms by men on both sides, with honest convictions—taking all these things into consideration, do you not think that the true policy of the Government is amnesty, mercy, and the equal administration of the law?

Answer. For political offenses, for all connected with the past, I think it is. I say amnesty for the past with respect to political offenses; but I say the law and its penalties, where a proper case is made out, for assassins and murderers.

Question. Right there we do not differ again. The purpose of this investigation is to ascertain whether there is a band of lawless men organized generally in the South.

Answer. I am aware that is the object of the investigation, and I am glad it is in the hands of men who intend to discharge their duty impartially, as I can plainly see from what has transpired here this morning, as well as from reports of what has heretofore been done, so far as they have come to my knowledge. I trust I am really grateful that this is to be investigated. If these things are all false, let it be known, and let those of us who have been under this impression, and willfully so, be held up to public execration as we deserve. On the other hand, if these things are true, in the name of good government, law, and order, let us by every just and proper means maintain the supremacy of the law.

Question. Is it your opinion that in any of these southern States, with, perhaps, the exception of South Carolina, this organization, if it exists at all, as a general proposition, is so strong that the State courts and the State authorities cannot control it without the aid of the military power of the Federal Government?

Answer. I cannot speak with regard to South Carolina, or any other State, so well as of my own. My opinion is that in the heavy negro counties, as we call them in our State, there is a state of public opinion which completely overrides the law, which refuses to enforce it with respect to a certain class of offenders and a certain description of offenses.

Question. How many counties of that kind are there in Alabama?

Answer. In my opinion, a great many of these negro counties. I say so because I have no information of all the murders that have been perpetrated, but they are numerous, and I have never known an instance in which a man has been convicted of killing a negro.

Question. Has it not been impossible to find out the perpetrators?

Answer. In some instances it has, in others it has not. There is this to be said for our people: They have always been disposed to make allowances for killing and shooting each other in what they call a fair fight; juries would always go as far as they could to excuse a man for that, and when they had to convict him would punish as lightly as possible. But if a man lay in wait for another, stood behind a tree and shot him, or laid poison for him, resorted to any of those secret modes of assassination, I have never known of any country where they would punish a man more readily for such a thing than in the South. But in regard to a "fair stand-up fight," as they call it, they would make all the allowances they could, because they did not know how soon they might get into one themselves. In regard to punishing other crimes, such as theft, burglary, arson, &c., in old times our courts and juries were as fair and impartial and faithful as the courts of any other States, and I think our records will prove it. But since the war, since this state of things has occurred, a different sentiment has prevailed. Men have gone in numbers and whipped and beaten and outraged colored people, taken their arms away from them, and in other ways have done them wrong, not to speak of the murders that have been committed. But yet no one of them has been punished that I know of. I think there is a sentiment in our State which only needs to feel that there is a power that, in the last resort, can be relied on to uphold law and order, which will come up and perform its duty; because we have wives and children, homes and firesides, and we belong to the English-speaking race, at least to a civilized race, and we want the protection of the law and order, peace and quiet, around our homes, and security there. I think it is only necessary for the Government to show that it is determined to put this thing down, and the work will at once be largely accomplished. It is only upon the idea that they can go scot-free that men are disposed to commit crimes. If a man knows that he will certainly be

overhauled and punished, that the chances will be ninety-nine out of a hundred that he will be, he will hesitate long before he commits a crime.

Question. All your ideas about the extent of the offenses committed are mere opinions?

Answer. I never saw one of them committed.

Question. In the state of feeling in the South is it not probable that very exaggerated accounts of these things will get into the newspapers, and be circulated in that way?

Answer. Yes; and it is very natural that men should feel dissatisfied. Our great mistake is that we have allowed our feelings of dissatisfaction to take a wrong direction. It certainly is not right for men to shoot and whip and kill in the manner they have been doing there for some time past.

By Mr. COBURN:

Question. Something was said in relation to the invasion of the South and the conquest of that region. Do you regard the marching of the Union armies through the South, during the war, as an invasion, or the restoration of law and order there a conquest of the South?

Answer. In one sense the marching of an army anywhere is an invasion; but in a political sense I do not regard the marching of the Army in the South as an invasion of the South; neither do I regard the restoration of law and order there a conquest, except over crime and violence. I wish it to be understood that I am heartily in favor of that sort of conquest.

By Mr. POOL:

Question. I did not catch your answer to Judge Van Trump's question in regard to the power of the State courts to deal with these Ku-Klux crimes.

Answer. I think this: That in the present condition of things an attempt on the part of the State, right at this time, to enforce the execution of the law, would, perhaps, lead to conflicts. It might not in Alabama, if the governor organized companies of white men. But I do not think our people would submit quietly to have companies of negroes organized for the purpose of arresting them and enforcing the law. I think they would fight them. On the other hand, I think if the Government of the United States will furnish its troops to aid the civil authorities to uphold the law, they will not fight the United States troops. I think in that way we could avoid collision and bloodshed. I have been all the time opposed, and so was our late governor, to the organization of colored troops, because I thought it would only aggravate our condition.

Question. Could you find white men upon whom you could rely?

Answer. I do not know that we could.

Question. You were asked if the accounts of these outrages in the newspapers were exaggerated. State whether there has been exaggeration, or whether the truth has been entirely told.

Answer. I would not like to indorse all the newspaper reports, nor would I like to condemn them. So far as any transactions have come to my knowledge, from the information I have received, I know of no exaggeration in regard to the affairs of our State. I think affairs there have equalled, and more than equalled, all that has been represented of them.

By Mr. STEVENSON:

Question. I understand you to divide the white population of your State into two classes—those who were originally and who are still of opinion that the State had a right to secede from the Union; and those who adhered to the Union.

Answer. Yes, sir.

Question. If the original Union element, which I understand to have been the old whig party——

Answer. A great many democrats were Union men.

Question. So much the better.

Answer. And General Jackson was a mighty popular man down in our part of the State.

Question. If the original Union element be added to the negro vote, is there not in Alabama a majority of adherents to the Union?

Answer. Yes, sir; if the whole Union element could be got to act with the whole colored vote, there is a very large majority for the Union.

Question. Is not that a very hopeful circumstance?

Answer. That is my foundation to build upon.

Question. That distinguishes your case from that of Ireland?

Answer. Yes, sir; indeed, I do not think the two cases are analogous; we are a part of this Government; Ireland was not part of England.

Question. And a majority of the actual voters in Alabama now prefer the Union and this Government, if they could be brought to act together?

Answer. I think so; I think if we could have a fair canvass upon the issue of Union and disunion now, we should vote now against secession. I know that in 1860 we would have voted against it overwhelmingly, if the issue had been fairly made. But they denied then that we were in any danger of disunion; they said they only wanted to get things fixed up a little better.

Question. Your idea is that the friends of the Government should be got to coöperate together?

Answer. Yes, sir.

Question. And in order to do that the authority of the United States should be exerted to preserve the peace?

Answer. Yes, sir; I do not think any man can object to the authority of the United States for the preservation of law and order, when the condition of things is as it is in Alabama and some other States. That authority does not trample down our rights, but puts us in a condition where we can uphold them.

Question. You say this witness Force spoke of a purpose on the part of the Ku-Klux Klan to restrain the freedmen as to their labor?

Answer. That is my recollection of what he said.

Question. Was it a part of their plan to require him, so far as it was practicable and where his old master wanted him, to work for his old master?

Answer. I do not think he said that; I have no recollection of his saying that.

Question. Did he describe to you how the whipping was done when men were whipped?

Answer. He described the manner in which the particular person was whipped that they dealt with the night he was admitted into the organization.

Question. How was that?

Answer. Just in the ordinary way; he was called out from the house and compelled to dance a while for their amusement, and then they whipped him with hickories.

Question. Did he speak of any orders being given, or of any formalities observed on that occasion?

Answer. I do not think he did.

Question. Did you preserve notes of his testimony?

Answer. The testimony was all taken down in writing by a clerk appointed for that purpose.

Question. And became official?

Answer. It was filed in the office of the circuit court clerk of Calhoun County.

Question. You spoke of a gentleman by the name of J. J. Jolly as serving a notice——

Answer. Delivering a note from Governor Lindsay.

Question. Demanding of Governor Smith the office of governor?

Answer. That was my understanding; I did not see the note.

Question. That was after the injunction had been issued and served?

Answer. That is my recollection.

Question. Is that the same Mr. Jolly who resides at Eutaw?

Answer. Yes, sir.

Question. A leading lawyer there?

Answer. Yes, sir.

Question. A prominent democrat?

Answer. He is said to be.

Question. Is there any other man of that name there?

Answer. Not that I know of; I have no recollection of ever having seen this man, though I may have done so, nevertheless.

Question. There is no other man of that name at Eutaw?

Answer. Not that I know of.

Question. You spoke of the fact of violence in the counties of Greene, Sumter, and Marengo. Do you know what the effect of that violence was on the vote of Greene County?

Answer. The riot and shooting occurred some short time before the election in November, not many days. The election was on the 8th of November, I think; and I think the shooting occurred about the middle of October, as near as I can now recollect. While I cannot say that men did not go to the polls and vote, or when they did go and voted for the democratic ticket that they did not do it of their own accord, I can say that this occurred there: there were some twenty-five hundred to three thousand colored people there, and when I closed my frequently interrupted remarks to them, I called upon them to hold up their hands and signify how many would attend the polls and vote, not the republican ticket, but vote at the next election day; there was a general response, so far as I could see; every colored man in the crowd raised his hand, and most of them put up both hands.

Question. I see by the returns in 1869 that Greene County gave for Mr. Hays for Congress 2,735 votes, and for his opponent, Mr. Read, 275 votes. In 1870 Greene County gave for Mr. Hays only 1,790 votes, while it gave for Mr. Hays's opponent 1,825 votes making a change from one side to the other of about a thousand votes.

Answer. If that was the voluntary action on their part, then why the necessity of firing into that crowd of negroes and putting them through such a course of discipline as that shooting must have been? If they were going to vote for the democratic ticket anyhow, why should they be facilitated in that manner? That is the way the thing presents itself to my mind.

Question. In other words, why should they shoot their friends?

Answer. Yes, sir.

Question. By the returns, Mr. Hays, in 1869, in Sumter County, received 2,360 votes; his opponent, Mr. Read, received 479 votes. In 1870, in Sumter County, Mr. Hays received but 1,437 votes, while his opponent received 2,055 votes, making a change there of about 900 votes from one side to the other. Then, assuming that this change was brought about by violence, those two counties alone would have been sufficient to change the result in the State.

Answer. That, I think, is very clear; but there were also other parts of the State in which there were changes.

By Mr. VAN TRUMP:

Question. You say you advocated the democratic ticket in 1868?

Answer. Yes, sir.

Question. You are now a thorough republican, as I understand it?

Answer. I act with the republican party for the reason stated: that I see no use in any further opposition to the reconstruction policy which the Government has adopted.

By Mr. STEVENSON:

Question. You understand that the democratic party is opposing reconstruction?

Answer. Yes, sir; and especially opposing the education of the colored child, which, in my judgment, is the only way in which we can remedy the evils, or, in short, fit any one for the exercise of political duties.

WASHINGTON, D. C., *June* 10, 1871.

LUTHER R. SMITH sworn and examined.

By the CHAIRMAN:

Question. In what portion of Alabama do you live?

Answer. In Choctaw County, in the southwestern portion of the State.

Question. How long since you resided there?

Answer. Since November, 1865; permanently since December, 1865.

Question. What official positions have you held from that time to the present, and what opportunities have you had of knowing the existing condition of things there as affecting the execution of the law and the security of life and property in the part of the State in which you live?

Answer. I was appointed registrar of Choctaw and Washington Counties by General Pope in 1867; that was the first office I held there. After registering those two counties I was elected judge of the circuit court for the seventh judicial circuit, composed of Choctaw, Greene, Marengo, Sumter, and Pickens Counties, and entered upon the duties of the office at the time the State government was formed under the reconstruction act of 1868, and have been performing those duties since that time. If you will designate what particular line of inquiry you wish me to embrace in my testimony, I will endeavor to do so.

Question. The duty imposed upon us by the legislation of Congress is to ascertain the extent to which the laws are executed, and life, person, and property are secure in the late insurrectionary States.

Answer. The manner in which the laws have been executed?

Question. Both have been and are being now executed.

Answer. I entered upon the duties of my office on the 13th of July, 1868, I think, at the time the State government was organized there. No term of the court was held that fall on account of the political excitement there, and in one county on account of my personal sickness, so that I was unable to attend. In the spring of 1869 the courts were held regularly without any obstacle or obstruction at all; also in the fall of 1869. In the spring of 1870, the first organized opposition to the law that manifested itself was the taking from his room at the hotel in Eutaw the solicitor of one of the counties composing my circuit, by a band of sixty men, as was reported, and the shooting him in the hotel.

Question. In what county was that?

Answer. In Greene County. I charged the grand jury especially in reference to that

act, urging upon them the importance of investigating the matter and punishing the parties, and stating to them that they owed it to the citizens of that county to do so. I appointed from outside of the circuit an able lawyer, Mr. F. P. Snedicor, who was in attendance upon the grand jury all the time. The grand jury was in session two weeks, the time fixed by law. They reported that they were unable to find out any parties connected with the murder, but from the evidence they had obtained they had traced the band as coming from Pickens County, an adjoining county; that they came from and returned in the same direction.

Question. From your knowledge of the circumstances connected with that case, is it your opinion that his murder was in any way connected with the discharge of his official duties?

Answer. It was; at least it was so reported. The reason why he was killed, as stated, was this: There had been three negroes murdered some time before, and the solicitor stated that he thought he was on the track of the murderers and intended to indict them, if he had to keep the grand jury in session for six months. I think that was the charge made against him.

Question. Proceed with what you were going to say in reference to Pickens County.

Answer. I went to the next county, and during the term of the court a party of some forty men, I think, in disguise, waited upon the solicitor there and told him that they understood he was anxious to see a party of these men, and they came there for the purpose of showing themselves to him, and they advised him not to be too anxious about seeing them. I charged the grand jury particularly in reference to this organization, and also called their attention to the report of the grand jury of Greene County, which traced the party to Pickens County. I urged upon them the importance of investigating that matter, in order that they might clear the skirts of their county from having anything to do with the matter. That grand jury, after a session of nearly two weeks, reported that they were unable to find any trace of any party of men from that county—Pickens County. I did not hold the last court in Greene County, but exchanged with another judge; but, so far as I know, there has not been any investigation or any indictment against the murderers of that solicitor.

Question.—That solicitor was named Mr. Boyd?

Answer. Yes, sir. Several outrages were reported in Pickens County by men in disguise, such as whipping various parties, but from lack of testimony they were unable to ever find out or to indict the parties connected with them. That was in the spring of 1869. There was no difficulty during the fall term of 1869. Indeed, there never had been any difficulty in the county in which I reside; everything had been very quiet. I do not know that a felony had been committed there in the two years I presided in the county until the fall before the last election there. Then there was an old man, Nathaniel Edwards, a negro man, who was murdered by some men—I do not know how many there were. The grand jury could not find and did not indict the murderers, although they, the grand jury, were particularly charged with reference to that case.

Question. Was that murder committed by persons who were armed and disguised?

Answer. They were armed, but I could not find out, nor did the grand jury find out, that they were disguised at all. In Sumter County, last fall, there were some reports that it would be impossible for me to hold court there. Reports of that character came to me. I placed no reliance upon them, because they could not be traced to any reliable source. I went to Sumter County, and was told by one of the leading lawyers there that he did not know whether the court could be held; that there was great political excitement there. But I went on and held the court there without any particular difficulty, except certain manifestations of resistance to the orders of the court by certain young men, and the frequent expression that there was no law there any way but the law of nature.

Question. You speak of opposition to the orders of the court. In what manner was that opposition manifested?

Answer. I saw several men the first day bringing into the court-room their pistols buckled around them, and I could hear their pistols strike the benches as they sat down. I called the sheriff and told him that, while the court recognized the constitutional right of every person to bear arms in self-defense, it did not recognize the necessity of any man defending himself with arms before a court of justice. I told him that persons must not bring their pistols into court; that he would so notify them; that the court was willing and thought it was able to protect every man who had business before it; and that if, after he had notified the persons, they still attempted to bring their pistols into court he would arrest them and bring them before the court. In the afternoon some parties brought their pistols into court. I furthermore told the sheriff that I would hold him personally responsible for the enforcement of the order. I received a note from one of the lawyers stating that, if I would pass over that occurrence in the afternoon, they would take measures to have the order carried out. There was considerable excitement manifested. Articles were published in the paper there intimating that it was a trick of the court to bring about a conflict between the court and citizens there, and claiming that the citizens had a constitutional right to bring their pistols into the court-

house. But the bar held a meeting, although I did not know it at the time, and used their influence to prevent it, and everything passed off quietly there.

Question. Was the order of the court obeyed after that?

Answer. Yes, sir, except in one case; and then, as soon as the party was made acquainted with the order he obeyed it. I forgot to state that in that county, in Sumter County, in the spring a house had been attacked. An old man by the name of Chotteau had been notified to leave. An Irishman was at his house guarding it; I do not recollect the name of the Irishman. A party came there that night disguised, and fired into his house; this man fired back at them and one of them was killed. At the spring term of the court one or two parties, I do not now recollect which, but one party I know was indicted for the crime of arson. I learned from the solicitor at the next term of the court that every one of the witnesses except this man, Chotteau, who had left the county, had been killed in the county within six months after the indictment was found. The sheriff resigned just before the fall term of 1869, and there was no court held there at that time. Under the law the court has no authority to appoint a coroner or a sheriff, the appointing power resting with the governor. There was no trouble at any time in executing the laws there until the spring of 1871. Reports came to my ears, about a week before holding court in my own county, that it would be impossible for me to hold court there; that a body of armed men from Mississippi would come there and break up the court; that they did not intend that any one holding office under the reconstruction acts should continue longer in office. I went to the court-house alone, that is, on horseback, (I lived about 8 miles from the court-house,) and opened court as usual. I had no difficulty at all; I charged the grand jury, and the court passed off very quietly the first week, and business was dispatched as satisfactorily as ever. That was also the case on Monday of the second week. On Tuesday of the second week there was some noise outside and some drunkenness. I directed the sheriff to send the bailiff out and to put a stop to that noise or bring the parties into court. He went out and quieted the disturbance. It being nearly four o'clock, the hour for adjourning, I adjourned the court. I afterward heard several pistols fired; and there was a great deal of drunkenness in town. Previous to this, that is, during the first week of the court, the sheriff had informed me that he had information it would be impossible to hold court in that county; that he could not maintain order, and could not carry out the orders of the court, and therefore he would resign. The probate judge, Judge Hill, and myself urged him not to resign, and told him if he resigned it would be impossible to get another sheriff appointed, and the court would have to give up that term. He concluded not to resign. The probate judge of that county, Judge Hill, had previously received letters, which I have seen—I do not recollect their dates—purporting to have been written by the Ku-Klux, (so signed,) ordering him to vacate his office, on the ground that he was a republican. To those letters he paid no attention. He has a plantation some eight miles from the county seat. One day as he was riding along, about 3 o'clock in the afternoon, within a quarter of a mile of Mount Sterling, a flourishing little village, a man lying in the corner of the fence, twenty-five yards away, I should think, fired at him as he was going through a little piece of woods. The judge is a very large man, and was holding the reins in one hand, and the ball passed through his arm. He was unarmed, and did not stop at all, but drove on for about a quarter of a mile, to the house of a physician, where he had his arm dressed. The physician said he had heard the report of the gun or rifle, whichever it was. About a week after that, I should think it was, he received still another notice, ordering him to vacate his office, stating that he had been warned twice, that he had been fired at once, and the next time his life would be taken. He did not resign then. The day the sheriff handed in his resignation, on the Wednesday morning of the second week, the people there held a meeting. A part of them were in favor of calling upon all the officers—the republican or radical officers—to resign. Another portion, whose counsels prevailed, were in favor of postponing such a call until the whole county could be heard from. The next convention was to meet on the first Saturday of May, I think, and the meeting adjourned until that time. Before that time, however, the sheriff resigned, and stopped the court; and the probate judge resigned before the last meeting. This meeting came together and reaffirmed some resolutions passed at a previous meeting, held in Sumter County, calling on the circuit judge and all the radical officers of the county to resign.

Question. Were those meetings called as party meetings, or were they meetings of citizens without respect to party?

Answer. They purported to have been called by the people. The democratic party held a meeting the same day for the purpose of putting out nominations for those offices. The first meeting in Sumter County was called for the purpose of nominating a county superintendent—a party meeting called by previous notice—the meeting that passed the first resolutions in reference to the circuit judge. Those resolutions stated the reasons why they called on the circuit judge to resign. The first resolution stated that they were in favor of law and order and the enforcement of the laws, and protested against any violation of the same. The second resolution stated that they believed that the Hon. Luther R. Smith could not enforce the laws in that circuit, first,

on account of his general disqualification for the office; and, secondly, on account of his general unpopularity. The third resolution stated that it was necessary to have a man of talent, firmness, and decision in the office, and therefore they respectfully requested the circuit judge to resign. The meeting in Choctaw reaffirmed those resolutions, and, furthermore, stated that the indications at the recent election were that a large majority of the voters in his circuit would not have been in favor of his being circuit judge, and on that ground they asked him to resign. The reasons stated for asking the probate judge to resign, in this last meeting, were that he was incompetent, and that the people looked upon him as well as the circuit clerk with contempt; and on that account they asked them to resign. The probate judge resigned; indeed, all the republican officers in that county have resigned. In Pickens County the probate judge and the circuit clerk last summer received notices ordering them to vacate their offices. They immediately shut up their offices, but a meeting of some citizens was called there, and they took ground on the side of the officers and told them to go ahead. When I held the court in Greene County last fall, there were troops sent there; that was after the affray known as the Eutaw riot. There was no disturbance at all during the holding of the court there. When I arrived in Pickens County, I found the circuit clerk in the barracks, or rather with the troops. He had gone to the command for safety.

By Mr. VAN TRUMP:

Question. Troops were stationed in Pickens County also?

Answer. Yes, sir: during the election. I did not see the clerk before I held court; and I inquired of the sheriff if the deputy clerk was there, and he said he was. I sent for him and asked him if he was still deputy clerk, and he said he was. I said, "We will open court." I then opened the court. The clerk afterwards came in. He told me that he had been afraid to stay in his house; that he had been warned that his life would be taken if he did not give up the office; and that he really thought of going away with the troops who were about to remove. The troops moved away on the third day of the first week of the session of the court. The court was in session two weeks. I persuaded the clerk to remain and take charge of the duties of his office. I said that I thought the sheriff would be able to protect him; that I thought there would be no trouble about it. The charge against him was that during the election he had distributed republican tickets, and thereby had made himself obnoxious in that county. There was another case in that county which was brought to my attention. A man by the name of Latham, I think, a minister, was taken out and whipped.

By the CHAIRMAN:

Question. Was he white or colored?

Answer. He was a white man. He was taken out and whipped, and his money taken from him at the same time. The charge against him was, that in his locality the negroes had received republican tickets, and he was suspected of having furnished them, although he did not vote, and was in Columbus at the time of the election. I do not know that there is any other instance in that county that I can relate now.

Question. Does that embrace all the counties in your circuit?

Answer. Yes, sir. I did not hold the court in Sumter County after the breaking up of the court in Choctaw County, by reason of the resignation of the sheriff. I called in the juries and grand jury and told them that the sheriff having resigned, and the court having no power to appoint an executive officer, it would be impossible to continue the court longer; that while their duties as jurors would cease, yet their duties as citizens would not. I told them of the importance of obeying the laws, of the evil effects of anarchy, and then dismissed them. I then got on my horse and immediately rode home to my plantation, about eight miles from Butler, the county seat of Choctaw. As I was riding home, when I was about a mile from Butler, I met eight negroes from my place with their double-barreled guns on their shoulders. They were coming down with a man by the name of Seymour, I think, who had been beaten the day before at Mount Sterling. I asked them what they were doing, and they said they were going to take him before the grand jury. I told them they were doing wrong; that they ought not to go along the public highways with their guns in that way; that the man, if he had been assaulted, could have gone before the grand jury and made his report; but that they were doing wrong in their excitement to act in that way. I directed them to go back home. One of the number, the leader, who was formerly the foreman on the place, stated to me that they had no intention of going into town with their guns, but as the man had been badly beaten the day before, they were coming down merely to protect him until he could get near the town to go before the grand jury. The day before, this boy, who was a witness in a case, had taken some whisky, I learned. It was customary for me to send for my mail as he went to Mount Sterling. While there a young man, a white man, who was somewhat intoxicated, beat him, and, as the boy stated, said to him that he was anxious to find the man who had been carrying Judge Smith's mail. The boy got away from him, and going off a little distance

used some profane language against parties who lived in Mount Sterling. Upon that, some young men, school-boys, I think, (there is a school there,) set upon him and beat him very severely; cut him badly. He came up to the plantation and reported to the freedmen there that he had been beaten because he wanted to get my mail. That was his story, and one reason that exasperated the freedmen somewhat. After the court I was unwell, threatened with pneumonia, and physically unable to go to Sumter county, where the next court was to be held. And I was told by parties that I could not go to Sumter County; that if I attempted to go there I would be assassinated on the way. Being sick I did not attempt to go there.

Question. When was that?

Answer. That was this last spring. I left on a Wednesday, with my brother, for Mobile. I have been engaged in planting there ever since 1865; commencing in 1866. I had built a steam mill for the purpose of grinding, and for ginning cotton, not only for the plantation but for the neighbors. On Thursday night after I left, a party of men came in there, set fire to the mill, to the bridge, and to about two miles of fence inclosing my crops. That was while I was away. I went to Mobile, to Montgomery, and to Talladega, and then went back to Mobile on Monday, where I learned what had taken place on my plantation. The court in Marengo County came on the next Monday. I met a man in Mobile named Creer, I think, an old citizen of Demopolis, who told me that he thought I ought not to go to Marengo County and hold court there; that while there might not be any disturbance by the people in Marengo, he was satisfied that there would be a band of men who would come in there to break up the court; and it would reflect very severely upon the people of Marengo County. I told him that under the law the only excuse I had for not holding court was the sickness of myself, or of my family, or the existence of an epidemic; that nothing of that sort then existed; that I had ever been treated kindly in Marengo County, and considered the members of the bar there my personal friends, and that I would not put them in the position of not being able to have the civil courts held until I went there. He urged that if I did go, instead of getting off at the nearest point, to go to Demopolis and he would take his horse and go with me to the county seat, Linden, some twenty miles. I went to Demopolis, but when I got there this man was sick, and his son went down with me. I held the court; had no difficulty at all; everything passed off as pleasantly as ever, and there was nothing to mar the pleasure of the court or to interrupt the dispatch of business. After that I went to Clay County, exchanging with Judge Pelham, of the ninth judicial circuit, and he went to Greene County. I first went to Randolph County; the Randolph court was only one week; everything passed off pleasantly, and there was no difficulty in enforcing the laws there. As I learned there, there had previously been a raid, by what is known as the Ku-Klux organization, upon some negroes who had left one part of the county and been employed in another portion known as Corn House Creek. I [illegible] by the name of [illegible] county, who had been brought up there, as they said, to regulate the labor—after he had come there a band of men had come in and run off a freedman from a plantation owned by a lady, I think; I do not remember her name. Soon after that this man [illegible] at the hands of a mulatto by [illegible] at the load passing just over his forehead. There had not, at that time, been any further demonstrations in that county. I charged the grand jury in reference to those matters, and said to them especially, that if they knew of any violations of the law and failed to discharge their duty, if the evidence was sufficient to satisfy them who were the persons who had perpetrated the offense, then they themselves would be liable, in the opinion of the court, to indictment under the enforcement bill of Congress. The grand jury worked faithfully, and, I think, they found indictments against certain offenders in that county. I was told by prominent citizens there that so far as these outrages were concerned the people did not need any protection, either from the State or from the United States.

Question. That was in Randolph County?

Answer. Yes, sir. They said they had told these parties that if they commenced their work again they would consider it an act of war; that they would take measures, and they did take measures, to form companies of the best citizens there to defend themselves. That is in the county which furnished the most soldiers for the First Alabama Regiment, I think, in the Federal service. In Clay County, which was the next county, there was no difficulty in holding the court. I was told that there had been, and I think the records so show, some eight murders in that county, of white men, within the last twelve or fourteen months. Some of the parties charged with the offenses were under indictment, and some had escaped. I know of no difficulty in enforcing the laws in that county. The paper published in my county, in speaking of the burning of my mill, said that from the best information they had it was insured for double the amount of its value. The fact is, that it was not insured for a dollar. Statements were made in that paper, in one issue that I saw, that republicans, that radicals could not hold office there; that the people would not tolerate them. When I was appointed registrar of my county, and chairman of the board of registration, before I took the

position of circuit judge, I went to one of my neighbors, who had been a member of the secession convention, and who was a physician and a very talented man, and stated to him that I did not want to take the position of registrar; that I came there to raise cotton, and not to take any official position. He told me that he thought I had better take it; that I had been there planting and knew the negro better than strangers would know him, and that if I did not take it some stranger would come in and take it. I did so, and then it was necessary to appoint some colored man on the board; that was the law, or rather the order of General Pope. I went to the probate judge of the county, Judge Bailey, told him what the order was, and asked him to recommend some good colored man to me. He recommended Daniel Wilson, who, he said, was as good a negro as there was in the county. He stated further, as a recommendation of the negro, that he had for some twenty years been a member of the same church with him. In going over the county and registering, I always told the people the object of the registration, and I always urged upon the freedmen to become good citizens, and to be faithful to their contracts. I also told them, both in public and in private, that they could never expect to get homes for themselves until they had worked and earned money to pay for them. We had no difficulty in registering the counties, going over both counties. After the registration I sent this man Wilson, under orders from the superintendent, with the notice for the election. He went up to a little town called Pelham, about nine miles from where I live. There were some parties there, white men, who persuaded him to drink with them, as he afterwards said; I know not the truth of it. He thinks they drugged the liquor, for when he had got about a mile from there two men accosted him, a white man and a colored man, and one of them fired at him and wounded him, the bullet just passing through his coat. He fell and then they attempted to cut his throat, and he was saved only by a very heavy beard that he had. I sent for him and took him on my place. I kept him there at work. There was intense bitterness of feeling against the constitution in the election for the adoption or rejection of the constitution. I held the election in Choctaw County. There was a sergeant with seven soldiers there. I then thought, and I still think, that there would have been an attempt to break up the election there if there had not been an arrival of a reënforcement of United States troops, consisting of a lieutenant and some seventeen men. There was some drunkenness there, although it was contrary to orders, and one old man attempted to go into the office with his knife drawn, stating that if there was to be a difficulty he wanted to have a fair fight. That bitterness, however, wore away very much. During the first two years I held court there, there was no bitterness manifested there, none at all so far as I was personally concerned.

Question. In your judgment and belief, out of what has grown this bitterness and opposition to the exercise of the official duties of the persons in those counties? What is your belief on that subject?

Answer. I think the bitterness has grown out of the fact that we were republicans, and in favor of the reconstruction acts of Congress.

Question. Upon what do you base that belief?

Answer. I base it upon the fact that in conversation with those men, prominent men of my own county, in speaking of those reconstruction acts—when the constitution was formed there was an oath in which it was required that every man should swear that he would accept the political and civil equality of all men; and that he would not injure or attempt to injure any person in his affiliation with any political party—one man, whom I now have in my mind particularly, asked me if I thought any white man could take such an oath? I remarked to him that I not only thought so, but believed that in less than one year they would do so; and in less than one year every one did take that oath. I had heard men, when speaking of certain persons against whom there was great bitterness manifested, say that they had no objection to them except on account of their political principles. And I have noticed furthermore that this hostility has not been confined to men of bad character; but it has been against men no matter what their character—generally the better the character the more bitter the hostility.

Question. You have spoken of some resolutions passed in Choctaw County requesting you to resign, and giving the reasons for that request.

Answer. First in Sumter County.

Question. Will you state whether the democratic members of the bar there had given you any private expression of their belief in your qualifications for the discharge of your duties.

Answer. A former judge of the court, Judge Cobbs, who was appointed by Governor Parsons under the provisional government, and afterwards elected, in the fall of 1868, after I had qualified, published, in the Eutaw Whig, a notice, which I have in this city, stating that he no longer considered the order, No. 100, (I think that was the order,) binding upon him, and that he should go on to hold court there as usual.

Question. What was the order you refer to?

Answer. An order installing officers.

By Mr. VAN TRUMP:

Question. A military order?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Issued by the military commander, after the adoption of the constitution?

Answer. Yes, sir; it was under that order the State government went into operation. The election occurred in March, and it was not until July that the State government went into operation. When I held the court there in the spring I had a conversation with the judge; he was very friendly with me; indeed every member of the bar was. I stated to the judge, jocularly, that the reason why I did not hold the courts the fall before was, that I saw the notice in the papers that he was going to hold them, and I did not think it necessary to have two judges to hold the same court. He then remarked that in case the democratic ticket had been elected he proposed to try the constitutionality of those acts, and it was with that view he had given notice that he would hold the courts. I ought to state that last fall, when I went to Greene County, I had a note handed me, signed by three members of the bar, Chancellor Clark, Mr. Morgan, I think, and Mr. Coleman, stating that they wished to meet me in Chancellor Clark's office. I went there immediately and met them. They said they had had a meeting before, in the morning, and had come to the conclusion that it was not best to have the court held that fall. I asked them why, and they said that a white man's house, Flem. Cross, I think the name was, had recently been fired into, and there was great excitement. One gentleman stated that he doubted whether parties and witnesses would leave their homes. I stated to them frankly that the law gave me only three excuses for not holding court: one was, sickness of myself; another, the sickness of my family, and the third, an epidemic, and that neither of those causes existed. I furthermore stated to them that I would hold the court from 10 o'clock in the morning till 3 o'clock in the afternoon; and that then if parties would go home and stay there I thought there would be no disturbance; that if there was violence and crime in the county, that was only an additional reason why the court should be held, and grand juries should be organized; but that if they, representing the members of the bar, would put their names to a paper stating that the condition of Greene County was such that the court could not be held there, so that I could forward it to the governor of the State, or to the President of the United States, I would then act upon it. The chancellor said, "We will do no such thing." He then agreed with me that the court had better be held. We went on and held the court, and there was no difficulty at all, and no manifestation of an outbreak.

Question. Was there anything in the character of the cases to be tried at the approaching term of that court calculated to give rise to any such feeling in the community?

Answer. There was only this occurrence that had happened before, in reference to the speaking at a political meeting at Eutaw; that had occurred before the court.

Question. That had happened before this interview you are now speaking of with Chancellor Clark and others?

Answer. Yes, sir.

Question. I am speaking generally of your district. Was there anything in the cases that were expected to be tried, or that were tried in your courts, calculated to call forth such feelings?

Answer. I do not think there was; I do not know that there was.

Question. Have you known of instances in your district in which there have been convictions of persons charged with the offense of whipping or shooting persons, when they were disguised?

Answer. No convictions that I know of; I do not know of a single case.

Question. Have there been any trials?

Answer. No trials, and I think no indictments in my courts. This indictment, to which I have already referred, in the case of arson in Sumter County; there has been no trial in that case yet in that county.

Question. Were there any trials in either Clay or Randolph County when you were holding court there as the judge of that circuit?

Answer. There was one trial there, where two parties pleaded guilty; but in that case it appeared that they were not disguised. It was a case of lynching, where one man persuaded four other young men to go with him and whip a negro woman, for the purpose of driving her out of the county. It was stated that she had had a white child, and had stated that the uncle of this young man was the father of the child. That appeared in the testimony. The young man who plead guilty stated that after he was made nearly drunk this young man told him he would give him $5 if he would whip that negro woman, and he did so.

Question. In either of your circuits were there jury trials for crimes ordinarily occurring in a community?

Answer. There were.

Question. Was there any difficulty in administering justice in those cases?

Answer. No difficulty at all.

Question. Was there any difficulty in identifying, apprehending, and bringing to justice in your district persons charged with such offenses?

Answer. I do not think there was where there was no political bearing.

Question. So far as you have been informed, what number of offenses have occurred throughout your circuit, of the character to which I have referred; offenses committed by men armed and in disguise, who rode at night? Have you had occasion to look into that matter?

Answer. I have not had occasion to do so; I could not state from my personal knowledge.

By Mr. VAN TRUMP:

Question. Do you mean that no crime committed in that region, growing out of political matters, committed by bands of men, has been prosecuted and punished?

Answer. I do not mean that.

Question. Well, committed by men in disguise?

Answer. I do not mean that.

By the CHAIRMAN:

Question. In the administration of justice, then, is there practically any obstacle in any cases other than those of offenses committed by armed bands of disguised men?

Answer. I think not.

Question. Have they been, or can they be, brought to justice?

Answer. They have not been; I doubt very much whether they can be now. Although I can say that in the county of Pickens, when I last held court, there had been a very marked improvement in the sentiment of the community in reference to the enforcement of law and order.

Question. To what do you attribute that improvement?

Answer. To the fact that men in disguise have gone outside of the political scope of offenses, have gone to parties who had affiliated with themselves in politics, and have endeavored, for mercenary motives, to drive them out of the country. One case that I have in my mind particularly is that of a man by the name of Moore, in Pickens County. He had advanced money largely, and taken mortgages; he received a notice ordering him to leave the county within five days; he consulted a lawyer, and published a card stating that he would not leave, and that they could find him. He told me himself that for some time after that he had twelve men with shot-guns guarding him. Another case that occurred in Marengo County was the case of a man from Ohio, who was engaged in teaching a school upon a plantation owned by a prominent citizen there—Mr. Glover. Mr. Glover was opposed to the republican party, and always had been; he was one of the trustees of the county, and had hired this man to teach there, and had him to assist him in keeping his books. Not long since a party of ten men came and took him out, stripped him, beat him, and ordered him to leave. Mr. Glover published a card in the paper denouncing the thing, and told the young man to stay with him, and he would protect him.

Question. Has the legislation of Congress in reference to this class of offenses had any effect on public sentiment, or public action in reference to them?

Answer. I think it has had a very favorable effect. In conversation with certain gentlemen in the different counties they have stated to me that while there was a great deal of clamor against it outside, yet really very large numbers of people were in favor of it, for the reason that if the State government could not reach such characters, then they wanted the United States Government to do it. In regard to this convention, I omitted to state——

By Mr. VAN TRUMP:

Question. Which convention?

Answer. The convention in Sumter County, which passed some resolutions to which the chairman referred a few minutes since. Those resolutions were sprung upon the meeting without any previous notice. One of the members of the convention published a note stating that the meeting was not called for that purpose, and that he was opposed to it. At the time I went to Mobile a rumor was started that I had resigned and had gone to Washington; a former judge immediately had a petition signed for his appointment, and sent it to three of the most prominent men in his own county, one of whom, Judge Reavis, had been formerly judge of the court, and is the author of a digest; those men refused to sign it; and there were members of the bar, in the other counties, who stated that no amount of partisan feeling would permit them, or would force them, to consent to the change.

By the CHAIRMAN:

Question. Do you believe that, upon the whole, there is an improvement in the dis-

position of the people to submit to the law, both State and national, and to assist in its proper administration?

Answer. I think there is.

Question. You think there is a better state of feeling now than there was some months ago?

Answer. Yes, sir.

By Mr. POOL:

Question. Do you mean in all the counties?

Answer. In the counties in which I have been.

By the CHAIRMAN:

Question. In the counties of your circuit?

Answer. In the counties of my circuit. I cannot speak particularly of Greene County, for I have not been there lately. In my county there are divisions among the parties who have been using these illegal means of getting officers out of office, which tend to disconcert them. For instance, at this meeting in which they resolved that all the republican officers should resign, one of their number got up a petition to obtain the appointment of probate judge. There were several other candidates, and they were incensed because he did not submit his claims to the convention; and to-day they propose to have a convention to pass resolutions that he shall resign. On the day the court adjourned for the reason that the sheriff resigned, it was stated in Choctaw county that if the radical officers did not resign by the first day of May they would be murdered.

By Mr. POOL:

Question. Last May?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Is that improvement in public sentiment to which you have referred such that a man may now express and advocate his political sentiments through that district without incurring personal danger?

Answer. I do not think he can do it now.

Question. Do you mean by that that no man of either party can do so?

Answer. No; I do not mean that no man of either party can do so. I mean that a republican cannot do it with safety at the present time.

Question. I am speaking of the present time.

Answer. And yet I would not say that a majority of the people would be in favor of any of those violent measures. I do not think they are.

Question. Do they assist in repressing them, either by the force of their influence, or in compelling legal measures against them?

Answer. They have not taken any active part thus far, except in the one county I have mentioned. I only judge of the effect of their influence by the results, basing my inference upon the supposition that the grand juries reflect the public sentiment.

Question. Does this condition of political feeling to which you have referred interfere with the civil rights of parties in the administration of justice, for instance, in cases arising upon contracts, or where there is a contested title to land, or anything of that sort?

Answer. I do not think it does.

By Mr. POOL:

Question. Suppose a colored man is a party in such a case?

Answer. I think that would make a difference.

By the CHAIRMAN:

Question. What would be the difference?

Answer. The difference would be in favor of the white man. The same degree of evidence would not secure a verdict for a colored man that would for a white man: nor would it take the same amount to convict a colored man that it would to convict a white man.

By Mr. VAN TRUMP:

Question. Do you mean the same degree of white testimony or of colored testimony?

Answer. White testimony.

By the CHAIRMAN:

Question. Has there been, or is there now, any attempt at violence to interfere with the due administration of justice in cases other than those to which you have referred, requiring the officers themselves to resign?

Answer. I do not think there is.

Question. Has there been anything done bearing upon individual cases to prevent the trial of particular cases?

Answer. There was one case in Pickens County, where a man came to have a contested judgment set aside which had been rendered at the last term of the court for his failing to be there. He stated that the reason he had not been there was because an armed band of disguised men came to him and told him that if he came there his life would be in danger.

Question. Was that because of anything connected with the case, or from its relation to other events?

Answer. I think it was from something connected with the case.

Question. How far is your residence from the town of Meridian, in Mississippi?

Answer. About thirty-eight miles.

By Mr. POOL:

Question. You said there was something connected with the case to which you have just referred which affected the presence of the party. What was it?

Answer. I think this party was a defendant in the case. A man had been prosecutor and had secured an indictment against that party and another. From the statement made to me at the last court, I judged this party did not want that defendant to come there; and I judged so also, not only from his own testimony, but from the fact that the prosecutor was not there himself, and the case was dismissed as to this party, and the prosecutor was taxed with the costs. I do not know that in that case there was any political significance, of my own knowledge.

By the CHAIRMAN:

Question. Recurring now to the question I put to you, as to the distance you live from the town of Meridian: have any of the parties who took part in the proceedings there, from your county, or from any of the counties in your district, been identified as persons who went over into Mississippi and participated in the riot at Meridian?

Answer. I do not know that any parties in my county have been identified, nor do I know, of my own knowledge, that any have been identified from any of the other counties in my circuit.

Question. Did a man by the name of Renfro take part in any of the proceedings there?

Answer. I was approached by this man, Renfro, during the last fall term of the court in Sumter County. I was approached by him and another party. I learned before I went there that I would be approached by somebody, I did not know the name then, and required to make an explanation of certain statements that had been made to me. The previous summer the circuit clerk had been forced to resign in that county; at least he sent me his letter of resignation, in which he stated that it was necessary for him to resign in order to save his life. His name was Price. I was a delegate to the State convention. When I went there I had a conversation with Colonel Herndon; I do not recollect the particulars of the conversation, but it was in reference to the republican meeting held in Livingston and the manner in which it had been prevented. He made a statement that some person had placed a pistol at Bob Reed's breast—Reed was a prominent negro and connected with the convention—and had driven him out of the town.

Question. I only wished to get at the fact whether this man Renfro had taken part in any of the violent proceedings at Meridian.

Answer. I have been informed that he was connected with the proceedings at Meridian; but I do not know that.

Question. What is his first name?

Answer. I cannot tell; I might remember it if it was suggested to me, but I cannot call it to mind now.

By Mr. VAN TRUMP:

Question. In order to get at a correct and full statement of the condition of affairs in these different portions of the South, what, in your opinion, would be the best means, both as regards the getting of information and the cheapest mode of doing it—to go down to those places, or to sit here, as a committee, and examine witnesses summoned from the South?

Answer. So far as the expense is concerned, I do not know that I could answer.

Question. Well, so far as getting at the truth is concerned?

Answer. I think you would be quite as likely to get at the truth to have the witnesses come here; I judge so from the fact that in certain localities witnesses who know would be afraid to testify.

Question. Why would they be more afraid to testify there than here?

Answer. I do not know, unless because the danger there would be more immediate. I know that in the investigations there there were witnesses who had previously made certain statements, and when they came before the grand juries they did not make the

same statements: and they afterward stated that the reason was that they were afraid to do so. I do not know, though, that that would be the case now.

Question. You think, then, the only difference would be that whatever danger there might be would be more immediate there. If the fact was known to the witnesses that whatever testimony they gave here would be published, would it make any difference?

Answer. I think at that time it would; if the testimony was to be published immediately, perhaps it would not make much difference.

WASHINGTON, D. C., *June* 12, 1871.

LEWIS E. PARSONS recalled and examined.

By the CHAIRMAN:

Question. Judge Luther R. Smith, in his testimony, made the statement that some public meetings held in his district had adopted resolutions requesting him to resign, giving as one of the reasons for making that request that he was incompetent. Will you state whether you are acquainted with Judge Smith, and with the reputation he bears in the profession and in the community where he resides?

Answer. I never saw Judge Smith on the bench until our courts just passed; he held a court in Clay County, in our State. That is a county in which I practice regularly. I saw him during the entire week, and had an opportunity to observe closely his bearing as a judge, and the manner in which he transacted the business of the court; and I had a pretty fair opportunity, from the character of the cases before him, to judge something of his knowledge as a lawyer and as a judge, and I state, with no small degree of confidence, that he is a very able man as a judge, and, I think, impressed every one at the bar with that fact, and with his impartiality and promptness in his decisions, as well as with his general accuracy. Of course, the counsel that loses takes exceptions, but the general sentiment was that he was a fair and impartial judge, as well as an able one.

Question. Do you know what his reputation is in the profession in the district where he resides?

Answer. I do not know personally, because I do not practice in that part of the State, but I have heard it said that it was very good. I have seen the proceedings of public meetings requesting him to resign, because of his incompetency and general unpopularity.

By Mr. VAN TRUMP:

Question. Do you know whether Judge Smith, while on the bench, has mingled pretty largely in the political affairs of the State there?

Answer. Not of my personal knowledge. I understood, in fact I heard him admit, that he presided as chairman of the State republican convention, at Selma, in 1870.

Question. While he was on the bench?

Answer. While he held the office of circuit judge.

WASHINGTON, D. C., *June* 13, 1871.

Rev. A. S. LAKIN sworn and examined.

By the CHAIRMAN:

Question. In what part of Alabama do you reside, and how long have you resided there?

Answer. I reside in Huntsville, in the northern part of Alabama; I have resided there five years and about eight months.

Question. What is your profession?

Answer. I am a minister of the gospel.

Question. Of what denomination?

Answer. Of the Methodist Episcopal church.

Question. Will you now proceed to give us your knowledge and observation of the organization and operations of what is known as the Ku-Klux Klan in Alabama during your residence there? Give us as succinct a statement as you can of such occurrences as have fallen under your own observation.

Answer. In the fall of 1867 I was appointed to the Montgomery district.

Question. As a preacher or as presiding elder?

Answer. As presiding elder. We were then a missionary conference; but our reports

were obstructed, our drafts were abstracted, and our preachers were in suffering circumstances. I was ordered by Bishop Clark to go out on a roving commission, with the names and amounts due each presiding elder and each preacher in each of the presiding elder districts. The drafts were forwarded to me and I cashed them, and, in my saddle, I traveled six hundred and fifty miles, through the mountains and valleys, permeating almost every portion of Northern Alabama. In my travels I put up with some of the leading men of the State, and learned from them this fact: that they never would submit; that they never would yield; they had lost their property, their reputation; and, last and worst of all their sufferings, their slaves were made their equals, or were likely to be, and perhaps their superiors, to rule over them. In extended conversations with them I inquired how we would help ourselves. They said there was an organization already very extensive, and that would spread over the Southern States, that would rid them of this terrible calamity. I stated that we would be arrested and punished; that the Government would visit upon us probably heavier judgments than any we had experienced. They said they could rule that and control it. I asked how, and they replied, "Why, suppose a man drops out here"—meaning that they would kill him—"while that is being investigated, another will drop out here and there and yonder, until the cases are so frequent and numerous that we will overwhelm the courts, and nothing can withstand the omnipotence of popular sentiment and public opinion." I gathered these facts from various sources; they seemed to be patent. On my arrival at Huntsville, after this long and tedious tour, I learned of the organization of the Ku-Klux Klan. It answered precisely the description, and seemed to answer precisely the design expressed by these leading men. In the autumn or in the summer of the year 1868 I was elected president of the State University. Early in the month of September myself and Dr. N. B. Cloud, State superintendent of public instruction in Alabama, went to Tuscaloosa to take charge of the State University, which had been in a condition of controversy and very much disconcerted. On the following day I saw notices—Ku-Klux notices, several of them—warning certain men living in the town to leave the country. As we passed along the streets we heard unearthly sounds.

By Mr. VAN TRUMP:

Question. In the day-time?

Answer. Yes, sir; in the day-time; men screaming, and groaning, and grunting, evidently intended as flings and insults to the doctor and myself. Professor Wyman, the acting president, refused to surrender the keys of the university. Everything indicated to me that it was not safe to remain in the town. I ordered my horse and drove rapidly eight miles toward Huntsville, and reached my quarters after night, the same place where I had stopped three nights before. My horse was placed in a new position and my buggy moved out of sight. While seated on the veranda, about 9 o'clock, I heard the footsteps of numerous horses; my host said to me "Sit still;" and they swept past, probably twenty-five horsemen, the men disguised, and a rope around the neck of one of the horses.

By the CHAIRMAN:

Question. Did the men carry arms?

Answer. Yes, sir; they seemed to have pistols belted around them. In the morning the gentleman directed me by a by-road around this point of danger; they supposed I would stop at a public house four miles further on.

By Mr. VAN TRUMP:

Question. Who do you mean by "they?" You say "they supposed" you would stop at a public house.

Answer. The band that was pursuing, and I was sent around. In the morning this gentleman and another man told me that they saw and heard enough in the town to know that I was to be Ku-Klaxed that night, to be hung. And in the morning there were three colored men in the back veranda, with pistols and guns, for my protection. A day or two after there was an issue of the Tuscaloosa Monitor that will illustrate the facts to which I refer. I hold in my hand a copy of the Cincinnati Commercial, of September 19, 1868, in which is copied the article from the Tuscaloosa Monitor, which I sent to them. It contains a fac simile of the cut, which was published broadcast with the reading matter of the issue.

By the CHAIRMAN:

Question. You say that cut and that article appeared in the Tuscaloosa paper?

Answer. Yes, sir; two days after I left that city.

Question. Do you desire to have that incorporated into your testimony?

Answer. Yes, sir; I do. The person represented in the cut, hanging from the limb of a tree, with a carpet-bag in his hand, on which is the word "Ohio," is intended to represent myself. A mule, with the letters "K. K. K." on its side, is walking away from

under me. The tall man represented as hanging there with me is intended for Dr. Cloud. And there is space on the limb for all Ohioans after the 4th of March.

By Mr. VAN TRUMP:

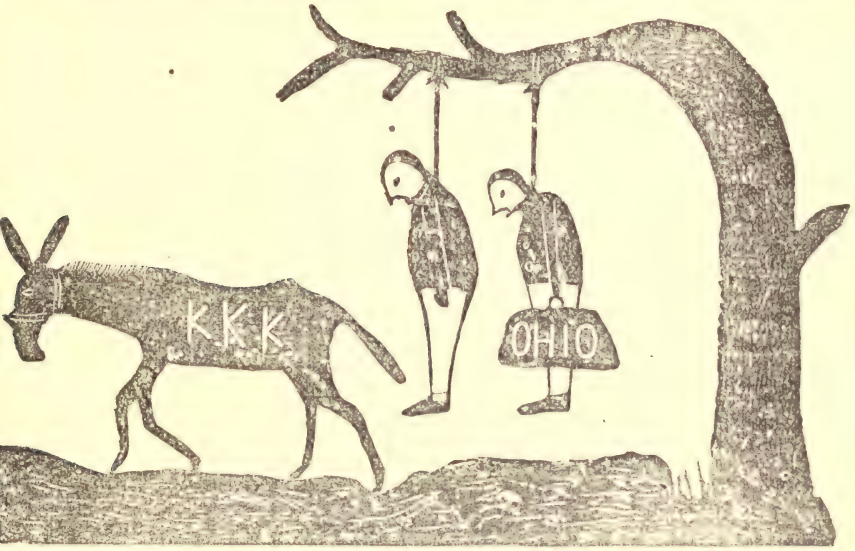
Question. How do you know that is intended for you?

Answer. The reading so represents.

[The following are the extracts referred to by the witness:

[From the Independent Monitor, Tuscaloosa, Alabama, September 1, 1868.]

A PROSPECTIVE SCENE IN THE CITY OF OAKS, 4TH OF MARCH, 1869.



"Hang, curs, hang! * * * * * *Their* complexion is perfect gallows. Stand fast, good fate, to *their* hanging! * * * * * If they be not born to be hanged, our case is miserable."

The above cut represents the fate in store for those great pests of Southern society—the carpet-bagger and scalawag—if found in Dixie's land after the break of day on the 4th of March next.

The *genus* carpet-bagger is a man with a lank head of dry hair, a lank stomach, and long legs, club knees, and splay feet, dried legs, and lank jaws, with eyes like a fish and mouth like a shark. Add to this a habit of sneaking and dodging about in unknown places, habiting with negroes in dark dens and back streets, a look like a hound, and the smell of a polecat.

Words are wanting to do full justice to the *genus* scalawag. He is a cur with a contracted head, downward look, slinking and uneasy gait; sleeps in the woods, like old Crossland, at the bare idea of a Ku-Klux raid.

Our scalawag is the local leper of the community. Unlike the carpet-bagger, he is native, which is so much the worse. Once he was respected in his circle, his head was level, and he would look his neighbor in the face. Now, possessed of the itch of office and the salt rheum of radicalism, he is a mangy dog, slinking through the alleys, hunting the governor's office, defiling with tobacco juice the steps of the capitol, stretching his lazy carcass in the sun on the square or the benches of the mayor's court.

He waiteth for the troubling of the political waters, to the end that he may step in and be healed of the itch by the ointment of office. For office he "bums," as a toper 'bums" for the satisfying dram. For office, yet in prospective, he hath bartered respectability; hath abandoned business and ceased to labor with his hands, but employs his feet kicking out boot-heels against lamp-post and corner-curb while discussing the question of office.

It requires no seer to foretell the inevitable events that are to result from the coming fall election throughout the Southern States.

The unprecedented reaction is moving onward with the swiftness of a velocipede, with the violence of a tornado, and with the crash of an avalanche, sweeping negroism from the face of the earth.

Woe, woe, woe to the inhabitants of Alabama who have recently become squatter-

sovereigns, carpet-bags in hand, and they filled with dirty electioneering documents! And twenty times woe to those so-called southrons who have turned their narrow heads, infinitessimal hearts, and filthy hands against the land of their nativity!

Hereafter, when future generations shall contemplate the fate that these white-skinned wretches had in store for us they will wonder at the extraordinary degree of forbearance manifested by us of the present dark day.

But the happy day of reckoning with these white-cuticle scoundrels approacheth rapidly. Each and every one who has so unblushingly essayed to lower the Caucasian to a degree even beneath the African race will be regarded as *hostis sui generis*, and be dealt with accordingly if found hereabout when the time is ripe for action.

The carpet-bagger already begins to snuff the coming ill-wind, and is sneaking out of the country, *a la* Harrington, of Mobile. But we hope some boreal stragglers may be left far from their "hums," to swing alongside of their meridional coadjutors in infamy.

We candidly believe that the picture, given to our readers *ut supra*, correctly represents the attitude and altitude of all foreign and domestic foes of our land who shall have the folly to remain "down South" after the ides of March. The contract for hanging will be given to the negro, who, having mounted the carpet-bagger and scalawag on the mule that he *didn't* draw at the elections, will tie them to a limb, and, leading the said mule from under them, over the *forty acres of ground* that he also didn't get, will leave the vagabonds high in mid-air, a feast for anthropophagous vermin.

P. S.—It will be seen that there is room left on the limb for the suspension of any bad Grant negro who may be found at the propitious moment.

[From the Independent Monitor, Tuscaloosa, Alabama, September 1, 1868.]

Scalawag Cloud, of Montgomery, and Carpet-bagger Lakin, of Nowhere, arrived here Thursday. Cloud, the radical jocky, comes as trainer of Lakin, the negro-loving jackass. The one is a long, slim creature of the *natrix* kind; the other is a stout, pursy reptile of the genus *batrachia*. Both would make first-rate hemp-stretchers. For further information, they may regard the wood-cut elsewhere. Next week we will give a more elaborate description of the *varmints*. We would not take a good deal for this fresh game.

LATER.—On Friday afternoon Lakin incontinently departed, by way of the Huntsville road. On Saturday morning Cloud also "made tracks," in direction of Montgomery. It seems that these fellows had come here to take formal possession of the university premises. Professor Wyman, however, who is the real president of the institution, so far objected to their proposed impudent procedure as to positively refuse to give up the keys. The two pretenders then opened their peepers as big as saucers, in wonder, and were sorely perplexed. We think Professor Wyman did exactly right in pursuing this bold course; for he has thus saved the university from the everlasting stigma of having once been polluted by the obnoxious presence of a nigger-worshiping faculty, and of black and white spotted alumni.]

By the CHAIRMAN:

Question. What was the ground for refusing to surrender the university to you?

Answer. Professor Wyman was elected by the board of regents president of the university; he refused to accept the position on the ground that it was a radical, negro-loving concern, and he would have nothing to do with it. I was elected to take charge of the university and put it upon its feet again, and upon that Professor Wyman refused to give up the keys.

Question. How was he in possession? By virtue of that previous election?

Answer. No, sir; by virtue of the former faculty. The president had left, and he came into possession nominally, and then usurped the keys, and held on to the property and refused to surrender it.

Question. Was this university a State institution, under control of State regents?

Answer. A State institution exclusively, and under the auspices of regents elected by the State.

Question. Had he been a professor previous to his election to the presidency by the board of State regents?

Answer. Yes, sir, and acting president. They elected him president, and he peremptorily refused to accept, and then he refused to surrender the keys.

Question. Go on now with your narration of facts after you left the house at which you stopped that night.

Answer. About two weeks before the presidential election a band of Ku-Klux, ninety-five in number, passed my house, blowing their whistles; they made no hostile demonstration.

Question. Was that in Huntsville?

Answer. That was in Huntsville; I had reached home then. On the Saturday night preceding the presidential election there was a republican mass meeting in the court-house at Huntsville; distinguished speakers, our Senator and Congressman, were present.

By Mr. VAN TRUMP:

Question. What Senator?

Answer. Senator Spencer. At about 10 o'clock about one hundred and fifty disguised men rode into the public square, from the southeast corner, and made a circle around the square. They were followed by numerous persons on foot, undisguised. The disguised men had each a double-barreled gun or a carbine, lashed to his saddle, and each had two navy revolvers, carrying one in the right hand, as they passed around the square. The four gates were picketed by very strong forces of undisguised men. There is a tall iron fence there, with sharp pickets on the top. As the column passed around to the point of entrance, firing commenced at the north gate. I should judge, from where I stood, that there were probably from seventy-five to one hundred or one hundred and twenty-five pistols discharged. The Ku-Klux, by order of the cyclops, wheeled into line of battle with the adroitness of veteran cavalry, and stood so for a few minutes, until the man who commenced the firing, who was undisguised and on foot, was wounded in the head, when he ordered the firing stopped; and in a few minutes after the Ku-Klux wheeled into line or into column and rode off. It was reported that there were one hundred and fifty in reserve at the railroad foundery, and one hundred and fifty at the Pinhook bridge. The foundery is about a quarter and a half a quarter of a mile from the square, and Pinhook bridge about half a mile, probably a trifle over. Judge Silas Thurlow, judge of probate of the adjoining county of Limestone, was wounded in the bowels, and died three days after. A colored man was killed instantly, and two others very severely wounded in the *mêlée*. The military were ordered out for the protection of the people. Four Ku-Kluxes, or persons, were arrested with their disguises in their saddle-bags, and with all their arms. General Ruger disarmed them, and handed them over to the civil authorities, taking charge of their disguises and arms. The civil authorities let them loose; they were rearmed by persons unknown to me, and went to the livery stables and forced the men there to give up their horses, and then they disappeared.

By the CHAIRMAN:

Question. Was Judge Thurlow in attendance at that meeting?

Answer. Yes, sir.

By Mr. STEVENSON:

Question. Was a public meeting being held in the park at the time?

Answer. In the court-house.

Question. Is the court-house adjoining the square?

Answer. The court-house is in the center of a square; it occupies a whole block, with streets and rows of houses all around it.

Question. Did the Ku-Klux fire upon the people there in the court-house?

Answer. The Ku-Klux did not fire at all; the persons undisguised on the streets did the firing, and the Ku-Klux were there as a reserve or a defense. It was rumored through the streets and all over the city, and it seemed to be the general opinion, that they intended a general massacre. All the leading men went to the military headquarters for protection, and remained there while they were in town. As one instance I will state that after the wounding of Judge Thurlow—he was a member of my church and a very near and dear friend—he sent a messenger to my door requesting me to go and see him. I hastened to the street. My next-door neighbor and a neighbor across the street, and a young lawyer, were standing on the sidewalk. My neighbor said, "Mr. Lakin, where are you going?" I replied, "I am going to see Judge Thurlow." Said he, "Don't you do any such thing; go back into the house; you will be murdered if you go on the streets." He was seconded by another, and by a third party, and I returned and remained in my room.

By the CHAIRMAN:

Question. Did you yourself take any public part in politics there?

Answer. Not a word; never opened my head on politics; and I had never been in the meeting at all, for I was notified that there would be trouble.

By Mr. VAN TRUMP:

Question. Then all this description you have given of the firing there has been from hearsay?

Answer. No, sir; I walked up to the square. I lived within about a block of the square, and when I heard the cry of "Ku-Klux," I walked up on the square and saw the whole thing.

By Mr. STEVENSON:

Question. Could you see against whom the firing was directed?

Answer. No, sir; from my stand-point I could not see. I have a document here that will describe minutely the parties who were present.

By the CHAIRMAN:

Question. What document is that?

Answer. It is an investigation by the State senate of the outrages in Alabama.

By Mr. VAN TRUMP:

Question. By the senate separately, or by a joint committee of the two houses?

Answer. By a joint committee of the two houses, I think. The evidence I referred to is that of Senator Sibley, and also of the lieutenant governor of the State, Mr. Applegate, who is now deceased. That is a full description of it by persons who were right by and saw the firing and the man who commenced the firing. I only give what I saw. On Sunday I determined that I would go and see my friend, Judge Thurlow, who had sent a second messenger for me, and it was reported that he was dying. On my return home three men were standing on the corner, facing me, and as I passed them one of them exclaimed, calling my name, "God damn him, he ought to have had his old radical heart shot out of him last night." They were quite jocular over the expression and seemed to enjoy it. I passed on. On the 10th of the same month I had been seated by a front window during the evening, writing all the evening. It was a large bay-window, the only one in that part of the house. At 7 o'clock we were called to supper; I left my lamp sitting in the same position, and my wife drew the curtains, which were very thin; the shutters were a little defective, so that the light could be seen from the street. After supper, at about 8 o'clock, after snapping three caps, a gun, loaded to excess, exploded, and sixteen buck-shot passed through the shutters, the window, and the curtains, and struck on the wall immediately over the heads of myself and my family, between the ceiling and our heads. After a few minutes lull the colored people came in from the quarters and said there were two men in the rear with guns at present arms. There were two passages out, the house standing on the corner. The men jumped over the fence and ran off in the direction of the parties that did the firing. Within thirty minutes it was announced in the northwest part of the city that "old Parson Lakin was killed," and the report went quite extensively over the country that I had been shot.

By the CHAIRMAN:

Question. Were those men disguised whom the negroes saw?

Answer. The parties who were inside of the yard were not.

Question. They were not disguised?

Answer. No, sir; the colored people stated that they were not.

Question. Was that the direction you would have gone to have escaped from the house, and away from the direction the firing came from?

Answer. Yes, sir; that was the only way of escape, except in the direction of the firing. About the 14th of the same month I was notified by a personal friend of mine that my life was in danger, and that I must leave the town; that he had been notified by moderate friends of the opposite party that I would be assassinated, and as they did not want the thing to occur, they had come to him to notify me to leave the place. He was one of the most reliable men in the State, and one of my best friends.

Question. Perhaps you had better give us his name?

Answer. Hon. Joseph C. Bradley. I fled to the mountains and was a refugee for two months. My family kept me posted about the state of affairs. The second night after I left, about 12 o'clock at night, there was a company formed on each side of my house, supposed by the family and others to consist of about fifty disguised men; they drew up in line on each side of the house. After they saw the lights passing the windows and some stir in the house, showing that they were discovered, they ordered a retreat and left. While in Winston County, during my refugeeing, I held a quarterly meeting at the cross-roads. On Sunday, at the close of the service, two men, known to be among the worst bushwhackers of the country in the time of the war, and then said to be among the leaders of the Ku-Klux, and desperate men, each with two navy revolvers lashed around him, inquired if Parson Lakin was about the yard.

Question. Can you give their names?

Answer. No, sir; I cannot give their names now.

Question. Do you know them?

Answer. No, sir; I do not.

By Mr. VAN TRUMP:

Question. Then how do you know they were the most noted bushwhackers?

Answer. I said that was the report in the neighborhood; they knew them there.

Question. People about there knew them?

Answer. Yes, sir.

Question. You never ascertained their names notwithstanding that fact?

Answer. I ascertained their names then; I did make a minute of them at the time, but I do not remember them now.

Question. You considered it important enough to make a minute of them?

Answer. I did; but since then my house has been burned, and many of my most valuable books and papers have been lost, and it has not been convenient for me since then to secure their names.

By the CHAIRMAN:

Question. Go on with your statement.

Answer. They inquired who that man was getting into the buggy; they were informed by persons standing around that it was Parson Lakin. They inquired if I was going to hold a meeting in the afternoon or evening anywhere in the place, and they were told no. They inquired where I was going to spend the night, and were told that I would stop at Mr. Maybury's. The men took a short cut down the road off the mountain. Before dark a special messenger came to me and informed me that those men srated they would get me as I left the place. Mr. Maybury and his three sons were in the Union army; they were each armed with rifles and pistols, and their house was well provided for defense. The impression was that I was the object of their search. In fact that was stated to others, though I did not hear it; but the indications were very threatening. In the autumn of 1870 I was stopping at one of my friends' for a day or two, to get a little repairing done to my buggy.

Question. Where was that?

Answer. In Blount County, thirty-two miles south of Huntsville. About 11 o'clock a man called upon my host, wishing him to go to the gate, and he declined.

By Mr. POOL:

Question. Do you mean 11 o'clock at night?

Answer. Eleven o'clock at night. There was a stir from the cabinet shop on the opposite corner. Three wagons had hauled up there to spend the night; it looked like it would be a rainy night, and my host had admitted them into the cabinet shop. They made a stir, and the persons went out into the road. They reported about twenty-five disguised men in the road near the house, who consulted some little time whether they should make an attack or not. But, I suppose, fearing these men stopping there, supposing they would be friendly to their host, they rode off. There had never been any Ku-Klux there before, and there has never been any there since that I know of. That was on the Sand Mountain. In the fall, in the month of September, I traveled from De Kalb County to Guntersville, in Marshall County; left my horse on the bank, and went on board of the boat to take passage down the river in the morning. About 9 o'clock there were two volleys of pistols fired within about two hundred yards of the boat. The captain and myself were siting on the deck chatting. In a few minutes, the deck hands, the mail boy and his son came running to the boat out of breath, greatly alarmed, and said they had been attacked by the Ku-Klux. In the morning I found my horse sheared, and word left with two or three parties there that old Parson Lakin ought to be very thankful that he had lost nothing but his horse's mane and tail, for if he had not been upon Captain Spiller's boat he would have had his damned old radical neck broken. The following day, as Captain Spiller felt very much chagrined and that the reputation of his boat was impaired or might suffer, he investigated the matter and reported to me, and two gentlemen who were present, that forty disguised men had crossed the bridge a little above Guntersville and come down in the direction of the boat, about 11 o'clock. I did not see them. I knew nothing of it till morning, only that I was minus a horse's tail and mane, and the word left for me, and the report given me by Captain Spiller of the forty Ku-Klux, or disguised men, who crossed the bridge in the direction of the boat.

By the CHAIRMAN:

Question. How was that word left for you?

Answer. With some ferry-men, who were on the bank of the river. They were up at a late hour, ferrying across the river; it is quite an extensive ferry. About the middle of October I held a camp meeting in Blount County, about three miles southwest of Summit.

Question. Last October?

Answer. Yes, sir; last October. On Saturday night three men searched the congregation while they were singing, and while the seekers were coming forward. The congregation were in a great state of excitement. Those men searched the congregation for me, and inquired of my host where I was. They had their bowie-knives in their hands, and said they would cut out my damned old radical heart—would cut my damned old radical throat.

By Mr. VAN TRUMP:

Question. Were you in the desk of the church at that time?

Answer. No, sir; I had been preaching, and being very warm and very much worn out with my previous labors, after calling the seekers forward and the singing had commenced I stepped out and went to my quarters.

Question. You mean by "quarters" the house of the person with whom you were stopping?

Answer. Yes, sir; a private house, about a hundred yards distant. On Monday even-

ing I was notified by a personal friend of mine that an attack would be made upon me that night. I called a council of my preachers, and selected one of the preachers to conduct the services, and I staid in my private quarters. About midway of the sermon thirty-five or forty men, armed with guns and pistols, simultaneously surrounded the arbor and stood sentinel around the arbor while three men, with revolvers in hand, searched the congregation for me and inquired where I was, calling my name; and then they searched the ladies' side of the congregation. After diligent search, finding that I was not there, they fired some three or four heavy guns, a volley of pistols, blew their whistles, gave a most terrible yell, and went off, requesting that old Parson Lakin would preach for them to-morrow night, for they wanted him to pray for them.

By the CHAIRMAN:

Question. Were those men in disguise?

Answer. No, sir; with this exception, they were all dressed in white pantaloons.

By Mr. VAN TRUMP:

Question. It was in the summer season, and you were holding a meeting out of doors?

Answer. It was about the middle of October.

Question. It was warm weather in that country?

Answer. It was comfortable there.

Question. You spoke of an arbor; I should infer from that that the meeting was held out of doors, and not in any building.

Answer. It was a building all open underneath, and would probably seat six hundred persons. It was built up very strongly, had a barn roof, and was a very comfortable place for a meeting.

Question. You say these men were not disguised. Were there any persons there who knew any of them?

Answer. Yes, sir; they knew them well, a great many of them. They were all dressed in white pantaloons, and it was reported (I did not see them) that there was quite a large reserve, some fifteen, twenty, or twenty-five outside of the encampment. There may have been an exciting cause for a part of this.

Question. You mean on that day?

Answer. On that night.

By the CHAIRMAN:

Question. What was it?

Answer. It is rather a delicate matter; but I might give it as a palliation, if it would bear that construction.

Question. Give us all the facts that bear on this.

Answer. Well ——

By Mr. VAN TRUMP:

Question. Do you have any hesitation in giving any explanatory fact?

Answer. Not at all, though it is a little delicate.

By the CHAIRMAN:

Question. If it will throw any light on this investigation, go on and give it.

Answer. A lady, whose father, mother, brothers, and sisters were attending on the ground, the father a local preacher, and all of them members of our church——

By Mr. VAN TRUMP:

Question. White persons?

Answer. Yes, sir; they were all white; there were no colored persons on the ground at all; were not during the meeting, that I now remember of. This lady, on Sunday morning, gave birth to a child that was a perfect representation and fac-simile of a disguised Ku-Klux.

Question. In a tent on the ground?

Answer. No, sir; at her home, about a mile and a half from the ground. The head of the child was about three times the size of an ordinary child's head, with a soft, spongy, fungous growth over the skull.

Question. Are you describing now from your own observation?

Answer. Yes, sir; I examined the child very carefully and very minutely. The forehead was flat and square, and about perpendicular, about three times the height of the forehead of an ordinary child. In a straight line from the crown of the head to the front of the forehead, commencing at each cheek bone, there was a sort of fringe, flaring very little to near the top, and then full around the top. It was about an inch wide and about half an inch thick at the base; a gristly fringe, of a dark purple color. At two points near the temples were two gristly horns of the same consistency, about an inch and a half or an inch and three-quarters long, projecting out from the forehead.

Question. Fleshy horns?

Answer. Gristly. The eyes and mouth were about one-third smaller than those of an ordinary child. The face was nearly flat, with but little nose. The eyes and mouth were of a scarlet red. The chin sloped off on a plane with its body. Around the neck was a scarlet red band; and from the point of each shoulder, extending down each side to about the center of the abdomen, was all a scarlet red. The child was brought on the camp ground and exhibited to from a thousand to fifteen hundred persons.

Question. By the mother?

Answer. No, sir; by the friends of the family. It was demanded by the people; they seemed to clamor for it to be seen.

By the CHAIRMAN:

Question. Was it living?

Answer. No; dead.

By Mr. VAN TRUMP:

Question. Dead then?

Answer. Yes, sir. The mother was a member of our church, a very delicate, pious lady, of very strong sensibilities. Her husband was an outspoken man, and the Ku-Klux had visited them. They had forced her husband into the Ku-Klux ranks, and they had stopped there at an improper time. And she fearing for the safety of her father, the child was marked in that way. They seemed to be perfectly wild and exasperated at the exhibition.

By the CHAIRMAN:

Question. Who?

Answer. I suppose the persons who had made the demonstration on Saturday night, and who also made it on Monday night.

Question. Was it after this exhibition of the child that the occurrences which you have described took place in the camp meeting?

Answer. The child was born on Sunday morning, and exhibited on Sunday on the ground. And it was on Monday night that they made an attack on me. Since then—I learned this from competent authority on both sides—since then they have whipped the man, Mr. Horton, the husband, within an inch of his life twice; once for exhibiting the child, and once for abandoning the Ku-Klux Klan.

By Mr. VAN TRUMP:

Question. Do you say you consider that state of facts a palliation? I understood you to say that you had a statement of facts to relate, although of a delicate nature, that was palliative of this attack.

Answer. It may be considered so.

Question. Do you consider it so? You said so.

Answer. No, sir; I cannot say it is. They regarded it as a palliation; I do not myself regard it as a palliation, but they did.

Question. You stated that it was a palliation. You seemed to feel yourself bound—I should judge from the expression you made use of, and your manner—to state facts on the other side as a palliation for this attack, this searching for you?

Answer. They offered it as a palliation.

Question. That is the form you put it in now, is it?

Answer. I meant to put it in that form; they urged it as a palliation, that they had been outraged and insulted.

By Mr. STEVENSON:

Question. It tends to meet the charge, if made, that they visited your camp meeting from mere political motives?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Does this description you have given of the appearance of that child correspond to the disguise or uniform ordinarily worn by the Ku-Klux there as you saw them?

Answer. Yes, sir; perfectly.

By Mr. VAN TRUMP:

Question. Has there ever been any report in the medical books of that extraordinary case?

Answer. No, sir.

Question. No physicians were there, and heard of it, and saw it?

Answer. Yes, sir; one physician there heard of it and examined it.

By the CHAIRMAN:

Question. Who was he?

Answer. I will tell you his name in a few moments; I know him very well, but I cannot recollect his name just at this moment. I wrote a description of it, and it was published in the Methodist Advocate at Atlanta.

By Mr. VAN TRUMP:

Question. How long was the body of the child kept from the time of its birth?

Answer. It was buried the same day.

Question. The day of its birth?

Answer. Yes, sir; it was born about 2 o'clock in the morning, and buried that night.

By the CHAIRMAN:

Question. At whose instance was it brought on the camp ground, where you saw it?

Answer. It was brought from the place of their residence, and where it was born, a distance of a mile and a half or two miles to the camp ground. It was in a coffin on the camp ground, and everybody had an opportunity of seeing it.

Question. You have stated in general terms that the appearance of that child as you have described it, corresponded to the uniform of the Ku-Klux. Did they wear a scarlet band in their uniform at the time you speak of?

Answer. Yes, sir; on some portion of the person. They sometimes differ; a klan will put on one garb at one time, and then they will change it, and put on another. The klans do not all wear the same uniforms at all times and in all places; it is not always exactly the same.

Question. You say you have yourself seen the klan riding on several occasions. Was their appearance calculated to inspire terror?

Answer. Yes, sir; they were very hideous. They generally wear very high caps of a conical form, very tall and running up to a point, and without brim; with eye and mouth holes, heavy mustaches and long beards painted; generally with long black gowns. Their signals are given by means of whistles, common hunting whistles, similar to those you will hear for starting street cars.

By Mr. VAN TRUMP:

Question. You believe, do you, in these extraordinary dispensations of the Creator in regard to innocent, unborn human beings?

Answer. I do not know that I have any particular opinion upon that subject.

By the CHAIRMAN:

Question. Was the child born living or dead, according to your information?

Answer. It was born dead.

Question. Was that the only instance of the kind occurring within your knowledge there?

Answer. It was within the knowledge of parties present from the various counties, as was stated and current on the ground, that there were six other cases; one I saw, the child living.

By Mr. VAN TRUMP:

Question. That is, each county produced such an affair as that?

Answer. No, sir; I say that there were persons present from different counties; and within the knowledge of persons on the camp ground, there were other cases, as they represented. They spoke of some six or seven, some seven instances of such marking. They were nearly all living, but not marked to the extent of this one. This was the most marked of any that had been born.

By the CHAIRMAN:

Question. Marked so that the resemblance to the uniform or disguise of the Ku-Klux could be recognized?

Answer. Yes, sir; I saw one child, a negro child, that had a fierce, wild look, with a head somewhat in the form of the Ku-Klux caps, and a very unnatural chin.

By Mr. VAN TRUMP:

Question. How unnatural?

Answer. Thick and heavy underneath, as though something had been thrown over it.

Question. That was your supposition, from the shape of the chin and face, that it represented something that was ordinarily thrown over their faces?

Answer. Yes, sir; it had that appearance.

By the CHAIRMAN:

Question. Did the mother give that account of it? Do you know anything about that?

Answer. I did not inquire; I was simply passing by and they told me there was a Ku-Klux child there, and I called and saw it.

Question. Had the parents been visited by the Ku-Klux?
Answer. Not that I know of.

By Mr. VAN TRUMP:

Question. You may give all your information on that subject.
Answer. I will.

By the CHAIRMAN:

Question. Go on and state any other actual facts that have come within your knowledge as to the operation of the Ku-Klux Klan in that State.
Answer. In the month of February last, late in the month, I started out on a six weeks' circuit or tour of quarterly meetings.

By Mr. BLAIR:

Question. A moment, before you go on with that. I do not recollect the location of this camp-meeting at which this child was exposed. Where was it?
Answer. I think I stated that it was in Blount County, near the towns of Summit and Brookville.

By Mr. VAN TRUMP:

Question. What was the name of the church there?
Answer. It is called Gum Camp-ground.

By Mr. POOL:

Question. When was it?
Answer. About the middle of October.

By Mr. STEVENSON:

Question. You say you published an account of the appearance of that child?
Answer. Yes, sir.
Question. Have you a copy of your publication?
Answer. No, sir; I have not.
Question. Do you remember the date of the paper?
Answer. I do not; but it was about that time or a few days after.

By Mr. BLAIR:

Question. You say this band of men who came to the ground were recognized. They were not disguised, then?
Answer. Quite a number of them were recognized.
Question. Do you know the names of any of them, the most prominent among them?
Answer. I could not give them now; but after a little time, if it is needed, I can furnish the committee with several of the names. We have been so hemmed in and crushed down, the least information given would so peril a man's life, that we have been compelled to be exceedingly and extremely cautious in all that we have done or said.

By the CHAIRMAN:

Question. You were proceeding to state what occurred in February.
Answer. I attended a quarterly meeting in Blount County, in the Marshall circuit. During the service, on Sabbath, there were indications of hostile movements. On Saturday night I was sent to stay with a man whose house was barricaded and armed, as a point of safety. On Sunday those indications alarmed the people, and I was guided by four men some six miles and put on a road, when I had reached what they considered a point of safety. The second Sabbath in March nothing occurred that was unfavorable. The third Sabbath I was notified of danger—great danger, great peril. I was notified on Friday night. From that point I traveled five miles away in the knobs between two valleys, and held quarterly meetings. The people became alarmed; messengers were running in different directions. Saturday night I was sent away out to a private house, some four miles from the site of my quarterly meeting. My horse was hid; my saddle was hid, and I was put in a loft to sleep. On Sunday night the alarm was increased. I stopped at a house on the main road; a little after night some ten men came in—some from one part and some from another—with their guns and pistols and axes, and barricaded the doors. I was placed in the loft, and the men lay down in the room. There was a fierce thunder-storm of some four hours, and it raised the stream over which the attack was expected to be made, so that there was no injury done me. There was no alarm that night.

By Mr. VAN TRUMP:

Question. Do not these frequent deliverances, so many of them, look a little like you had been miraculously preserved?
Answer. Well, I have by practice, as well as by theory, reached the conclusion that man is immortal until his work is done.

Question. Well, go on.

Answer. I was notified that a large force of disguised men came to the stream, and, failing to get across, they returned. I was sent a different road from the one I had traveled through the mountains. I swam two streams that I could not head, and which were not bridged, and after a wet, tedious ride of forty miles in the day, late at night I reached quarters that were considered safe.

Question. I did not catch the time when this was.

Answer. This was the third Sunday in March.

Question. March last?

Answer. Yes, sir. From thence I went to De Kalb County. There was a mistake in one of my quarterly meetings, or the streams were in such condition that I could not ford them, and I passed over and went on to my quarterly meeting in De Kalb County. I put up at the house of Judge Haroldson, the judge of the circuit court, which was then in session in Lebanon. Immediately on arriving I was notified by his wife that I was in danger; that the Ku-Klux were threatening me.

Question. How far was that from your home?

Answer. About eighty miles.

Question. Could they possibly know you were to be there at that time?

Answer. They had opportunities of knowing, because the meetings had been published for four weeks. All the quarterly meetings all over the circuit were published for four weeks preceding.

Question. How did this lady know that you were threatened on that occasion?

Answer. She said she heard it from competent authority in the neighborhood. Her relatives had been in the rebel army, but they were very much devoted to their sister.

Question. And consequently to you?

Answer. Not particularly to me, I do not think. But she thought I would be safer there than at any other point.

Question. I inferred from what you said that her confederate relatives had informed her of the danger to you.

Answer. I think not; I think she had gathered it from the current reports of the neighborhood. On Saturday night the judge came home. The meeting was on top of Lookout Mountain, about one and a quarter miles from the judge's house; he lived in the valley.

Question. The scene of the battle of Lookout Mountain?

Answer. It was on that range of mountains, about fifty miles from that point. On Saturday we returned to Judge Haroldson's, and on Saturday night he came home. About 11 o'clock we heard a very great outcry of the dogs, right across at Holloman's Station, about three-quarters of a mile on the line of the Chattanooga and Alabama road, and the firing of several pistols. We went out and watched and looked and waited for a while. Matters became quiet and we retired, but every time the dogs barked I heared the judge's door open, as though he was in fear and alarm. The next morning one of my preachers, who staid at the Widow Holloman's, informed me that some eight or ten men came into the room where he was sleeping and passed around, talked with others outside, and went up on the side of the mountain and whipped a white man dreadfully. When I arrived there he was said to be in his bed, unable to get out.

By the CHAIRMAN:

Question. Eight or ten disguised persons?

Answer. Yes, sir; they came into the room where he was sleeping—one of my preachers, who went there at night and stayed during the quarterly meeting.

By Mr. VAN TRUMP:

Question. What was their object, as manifested in any way, in going into the room of the preacher?

Answer. He said they did not disturb him or interrupt him.

Question. Did they inquire for you?

Answer. No, sir.

Question. They went into the room?

Answer. Yes, sir.

Question. And walked around and went out again?

Answer. Yes, sir. The inference of the whole thing was that they were after me, but found I was at Judge Haroldson's. He is one of the most popular men in Alabama. He is mining the Lookout Mountain for coal, and has a great many men in his employment, and his friends are in the ascendency there. His wife's friends, on the other side, are greatly devoted to her, and would be likely to resent any insult made upon any of her guests. Finding that I was there ——

Question. That is an inference; you do not know?

Answer. Yes, sir; that was the inference there. I state the fact that it was the current inference; I do not know that to be the case.

By the CHAIRMAN:

Question. Have you anything further to state of your own knowledge?
Answer. Yes, sir.

By Mr. BLAIR:

Question. You say that was in Lebanon?
Answer. Yes, sir; the county seat of DeKalb County.

By the CHAIRMAN:

Question. Go on with your statement.
Answer. I have designedly passed over one case, the case of Moses B. Sullivan, a white man, who was appointed to what is called Big Cove circuit. All valleys in our country are called "coves," and this is called Big Cove, in contradistinction to all the others, because it includes the valley of the Flint and the Paint Rock Rivers. On the night of the 10th of May, 1868, he was sleeping at the house of Mr. Henry Stevens. He was taken out of his bed at about 11 o'clock by disguised men, beaten with rods, his skull fractured, and struck across the breast with a whip or a bludgeon, so that he was felled by the blow. He has never recovered from his wounds and injuries; he is now an invalid and will probably remain so during his life.
Question. You say he was appointed to that station; was he a preacher of your denomination?
Answer. He was a preacher, one of those in my district, and appointed to the Big Cove circuit, and was then in the prosecution of his ministerial avocations. His quarterly meeting was to come off on the following Saturday and Sunday, on the Feeren plantation, on the bank of the Tennessee River. I was to have met him at Paint Rock; failing to meet him, I went to a friend of mine, Dr. Parker. As I rode up, said the Doctor: "Have you heard the fate of Sullivan?" I said I had not. Said he: "He has been whipped by the Ku-Klux, and I think they have killed him." He said: "I live within four miles of the place, and I was at the house the next morning, and have been there two mornings since visiting a sick patient in the house; I think they have killed him." And he also said: "Your life is in danger; they threaten to kill you." After a hurried supper he told me he would convey me to a point of safety on a bluff. Some four families, among them the brother and the brother-in-law of Mr. Stevens, at whose house M. Sullivan was whipped, lived there. We turned through the woods, and he conveyed me to Mr. Stevens, reaching there late in the night. A council was held as to whether I should proceed with my quarterly meeting. It was decided that if I could stand it they could, and that we would proceed. On Saturday night three colored men were whipped, within three miles of me. On Sunday I sent my messenger on my horse in search of my preacher. We had been to several fords and could not find that he had crossed. The report of the Doctor alarmed me, and I put a messenger upon my horse and hurried him to the house of Mr. Sullivan, in Marshall County, across the river, about thirty miles distant.

By Mr. VAN TRUMP:

Question. Was that another Sullivan?
Answer. No, sir; the same.
Question. I thought the Sullivan who was whipped lived within four miles of Dr Parker's?
Answer. He was stopping four miles from there, at Mr. Stevens, when he was whipped. On Tuesday, another class of colored persons were whipped and disarmed. The Feerren plantation is a very large plantation. On Wednesday, the church where I held the quarterly meeting was burned. And on Thursday I was notified that I would go up.

By Mr. STEVENSON:

Question. You say "another class of colored persons were whipped."
Answer. Another number.
Question. Another set?
Answer. Yes, sir.
Question. You do not mean an association in the church, known as a class?
Answer. No, sir; I mean some three or four more negroes were whipped.

By Mr. VAN TRUMP:

Question. Let us understand you as you go along; you say the church was burned on Thursday night?
Answer. Yes, sir.
Question. When did the quarterly meeting commence?
Answer. On the Saturday and Sunday previous.
Question. And you preached every day?
Answer. No, sir; I preached Saturday and Sunday, and closed out the meeting. I laid out two nights under the trees and under the rocks, fearing that they would make an attack upon me. I was notified by my friend, Dr. Parker, through a special mes-

senger, not to return to Huntsville by any road leading out from that point. The messenger and my horse had been recognized, and the roads were picketed behind him. He was sent around through the country, and was detained, so that I could not leave. Finally my buggy was taken down the mountain, and also my horse after he arrived. I found Mr. Sullivan was alive, that he was not killed, and that he had crossed at a private ferry above. I took passage upon the boat, went down the river to Whitesburg, a point of safety, and returned home. I have Mr. Sullivan's affidavit, stating the facts in the case as I have given them.

By the CHAIRMAN:

Question. Have you a knowledge of other facts showing the condition of society there?

Answer. It appears from this affidavit of Mr. Sullivan, that when they were whipping him they said they would kill his presiding elder; that he must preach for the Methodist Episcopal Church South; that there should be no church south of Mason and Dixon's line, except the Methodist Episcopal Church South.

Question. By whose direction did you go to Alabama to organize the church there?

Answer. By direction of Bishop Clark.

By Mr. VAN TRUMP:

Question. Of what State?

Answer. The State of Ohio. I was sent from the Cincinnati conference, as that was in session. I was transferred from Indiana; my home was in Indiana.

Question. Was the Methodist Church South represented in that Cincinnati conference?

Answer. Not at all.

Question. Altogether northern preachers and bishops?

Answer. There are two separate organizations.

Question. And have been ever since the suit in the supreme court, before the war?

Answer. Yes, sir.

By Mr. STEVENSON:

Question. There is no Methodist Church North?

Answer. No, sir.

By Mr. VAN TRUMP:

Question. You are not disposed to call yourselves by that name?

Answer. No, sir.

By the CHAIRMAN:

Question. You were sent there to organize a church in Alabama?

Answer. Yes, sir.

Question. And these persons represented that there should be in that State none but the Methodist Episcopal Church South?

Answer. None but that south of Mason and Dixon's line. The church divided in 1844, and the southern wing that split off assumed the ecclesiastical title of the Methodist Episcopal Church South. The Methodist Episcopal Church has never changed its name.

By Mr. COBURN:

Question. What is the number of members in Alabama of the Methodist Episcopal Church proper?

Answer. We have there now about 15,000 members, a fraction over three-fourths of whom are white; we have six presiding-elder districts, seventy circuits and stations, seventy traveling ministers, and about one hundred and fifty local preachers.

By Mr. VAN TRUMP:

Question. Let me ask you, in what character were you sent there; as a missionary to the South, or were you sent there by the Cincinnati conference to take charge of that church south?

Answer. We had no organization there.

Question. Did the Cincinnati conference claim that they had a right to go there and organize a church?

Answer. Yes, sir.

Question. As against the Southern Methodist church?

Answer. Not against the Southern Methodist church; we regarded the whole world our parish.

Question. Having no organized church there you went in the character of a missionary to found a church there?

Answer. I was sent there to organize the Methodist Episcopal Church, and build up her interests, and in that capacity I have labored there for years, and have raised that showing which you see there in five years and eight months.

Question. Are we to understand that all this concatenation of attacks upon you has come from the Methodist Episcopal Church South?

Answer. I have said no such thing.

Question. What is your belief? Does it spring from a difference in regard to religious matters?

Answer. I think there is a bitter feeling on the part of the Methodist Episcopal Church South against the Methodist Episcopal Church, and the affinities of that church are with the party that is opposed to our organization.

Question. Just as the affinities of the northern members are with the northern church?

Answer. Yes, sir.

Question. Is there any difference?

Answer. I think it is a very similar state of things; I regard it as a politico-religious feeling and bitterness. We drew out the loyal element and concentrated it, and it seemed to assume proportions and dimensions that were a little alarming.

Question. What do you mean by drawing out the loyal element? Do you mean that your efforts were directed to that portion of the Southern people and not to the others?

Answer. Not in the least. I never advanced a political idea in the pulpit, North or South.

Question. Then what do you mean by drawing out the loyal element of the South?

Answer. I mean by that that as I commenced and continued preaching there, and they understood the antecedents and general principles of the Methodist Episcopal Church, from which they had formerly been severed, they decided to return; and as a natural consequence the loyal element gravitated toward us.

Question. Did you not go there to organize the loyal element in the Methodist Church?

Answer. No, sir; I had no such purpose and no such design. My orders were peremptory not to mingle in the political arena at all; my charge to my preachers was peremptory——

Question. From what part of Ohio did you go?

Answer. I resided in Peru, Indiana; but was transferred over to the Cincinnati conference, that being in session at Troy.

Question. Troy, in Miami County?

Answer. Yes, sir.

Question. You never lived in Ohio?

Answer. No, sir.

Question. Have you been a pretty strong politician in your time?

Answer. No, sir.

Question. You have taken no part in politics?

Answer. I would not say that.

Question. Did you ever preach what is called a political sermon?

Answer. Never in my life; I never introduced, North or South, a political idea in my sermons; never have and never expect to.

Question. Are you not somewhat of an exception in that respect to Methodist Episcopal Church preachers generally?

Answer. I do not know that I am.

Question. Do you not know a great many that are of that class?

Answer. I know a great many who are warm in their political feelings.

Question. Did you ever hear a political sermon?

Answer. No, sir; I do not think I ever have.

Question. Where were you during the war?

Answer. I was chaplain of the Thirty-ninth Indiana Regiment.

Question. You were in the conflict then?

Answer. Yes, sir, for four years I shared the fortunes of that regiment in all their bloody battles and terrible marches, and with Sherman went around to the sea.

By Mr. COBURN:

Question. You were stating something about the charge you gave to your preachers; I wish you would continue what you were going to say. What was your charge to them?

Answer. My orders from the bishop, and through me to the preachers, were not to mingle in the political arena, but to devote themselves entirely and exclusively to the work of the Christian ministry; and as a class, I do not believe there is an equal number to be found in the United States that have adhered more closely to the duties of the ministry than the preachers of the Methodist Episcopal Church in the State of Alabama. I will say further, with permission, that we have had some very severe and some very hard conflicts. I may be compelled to look at my list, in order to give all the facts.

Question. In reference to the particular point you were on a moment ago, I wish you would state whether this opposition to your work is organized, or is it incidental in its manifestations, as you understand it?

Answer. I cannot say whether it is a systematic organized opposition; I do not know that.

Question. What would the manifestations lead you to suppose?
Answer. The manifestations indicate such a state of feeling.

By the CHAIRMAN:

Question. A moment before you leave that subject; you have stated in reference to the character of the membership that came to your church in Alabama, that it was principally from the loyal element.
Answer. Yes, sir.
Question. Did you, when you went there, find that element ready to be organized into your church; and did you find it existing there to any great extent?
Answer. I found it to a very great extent. We did not create the necessity or the demand; we simply supplied it. By their feelings and views, and their knowledge of the Methodist Episcopal Church, they naturally came to her as their choice.
Question. That being the case, do you attribute the hostility of those disguised persons, of those bands who attacked you, in any degree to the fact that there were so many loyal men in your branch of the Methodist church in Alabama?
Answer. Yes, sir. The loyal men in the State of Alabama as a general thing, or the majority of them, are not among the leading men of the country; they are what we would call the middle classes, the working classes, poor men who had no interest in maintaining slavery.

By Mr. VAN TRUMP:

Question. Has anybody any interest in maintaining that institution now?
Answer. I think Mr. Davis has an interest in "the lost cause;" he seems to have.

By the CHAIRMAN:

Question. In traveling through the State of Alabama and supervising the interests of your church there, have you made any examination into the number of your preachers who have been visited by these bands of disguised men, and the number of persons who have been whipped and outraged in the different counties through which you have passed? If you have, state what was the result of that examination.
Answer. (Referring to memorandum-book.) Rev. Mr. Hill, of Eutaw, was whipped and driven from the State in 1867, and is now in Illinois.

By Mr. VAN TRUMP:

Question. Did you commence making that record in 1867?
Answer. No, sir.
Question. When did you commence that memorandum-book?
Answer. I drew up this from a former scrap-book.
Question. You kept a scrap-book, then?
Answer. Yes, sir.
Question. Did you commence it in 1867?
Answer. Yes, sir.

By Mr. STEVENSON:

Question. Who was Mr. Hill, and where was he from?
Answer. He was a native Alabamian. We have not had a northern preacher there except one to assist me, for about three months. I have raised all these men on the ground—native Alabamians.
Question. Was the Mr. Sullivan to whom you have referred a southern man?
Answer. Yes, sir.

By Mr. VAN TRUMP:

Question. How many preachers have you under your charge?
Answer. In the conference?
Question. In your Alabama organization; do you not preside over the Alabama organization?
Answer. No, sir; I preside over only one district; we have six districts.
Question. You are a presiding elder, as known in the Methodist Church?
Answer. Yes, sir; but I have had the supervision of the whole work.
Question. Then, when you speak of all your preachers but one being native Alabamians, do you mean that remark to apply to your district only or to the entire State?
Answer. I mean that to apply to the whole conference in the State.
Question. How many preachers are there of that sort?
Answer. Who have been maltreated?
Question. No; who are native Alabamians.
Answer. They are all native Alabamians.
Question. How many are there?
Answer. Seventy.

By Mr. COBURN:

Question. Native Alabamians or resident Alabamians?

Answer. Resident Alabamians, and I suppose all native Alabamians; and there are one hundred and fifty local preachers. The first I named, who was maltreated, was a Mr. Hill; he has some three initials to his name, F. B. L., I think, but I do not now remember exactly what they are. The parties who whipped him were arrested and tried by General Shepperd, by military commission, adjudged to have their heads shaved and sent to the Dry Tortugas, one class for one year and the other class for two years, at hard labor. Mr. President Johnson pardoned them all. J. A. McCutcheon, presiding elder, was driven from the Demopolis district in 1868.

By Mr. STEVENSON:

Question. Who was he?

Answer. A native Alabamian, and subsequently chaplain of the senate; he was chaplain for two years. James Buchanan was driven from the Tuscaloosa circuit; he was fired upon in his house and upon the highway, and notified to leave on pain of death. He has gone to Texas.

Question. Who was he?

Answer. He was a native Alabamian—born and raised in Blount County, Alabama. John W. Talley, a native Alabamian, an old traveling minister in the Methodist Episcopal Church before the division, fell into the southern division; but when the Methodist Church came there he came to her. He was the presiding elder of the Talladega district, but is now in Missouri. Moses B. Sullivan, as I have already stated, was whipped, and is now in Florida, sent out of the State.

By Mr. COBURN:

Question. Who is Moses B. Sullivan?

Answer. The man who was whipped, whom I named before, and whose affidavit I presented.

By Mr. BLAIR:

Question. At what place was Mr. Sullivan whipped?

Answer. In Madison County, twenty-two miles from Huntsville.

By the CHAIRMAN:

Question. Do you desire this affidavit of Mr. Sullivan's case to be incorporated with your testimony?

Answer. Yes, sir; with one exception. There are two names I wish to strike from that affidavit, for I am convinced that Mr. Sullivan was in error in regard to two names of persons whom he attempts to identify as among his punishers.

By Mr. VAN TRUMP:

Question. By what authority do you assume to strike out anything from an affidavit made by another person?

Answer. Well, I will record it as a note; for since then these men, who are personal friends of mine, have given me reason to believe that they were not the guilty parties.

By the CHAIRMAN:

Question. State who they are, if you wish that statement to accompany the affidavit.

Answer. Colonel James Sheffield and Mr. Ferguson—James Ferguson, I think.

Question. You think the reference to them in the affidavit is erroneous?

Answer. Yes, sir.

Question. With that exception you desire the affidavit incorporated in your testimony?

Answer. Yes, sir. [See "A," attached to testimony of this witness, page 146.] Dean Reynolds, colored man, local preacher, beaten and left for dead, with both arms broken, one of them in two places.

By Mr. STEVENSON:

Question. Was he a native Alabamian?

Answer. A native Alabamian, and a colored man.

By Mr. BLAIR:

Question. Where was that?

Answer. In Morgan County, on the Tennessee River; right on the line between Marshall and Morgan.

By the CHAIRMAN:

Question. When was that?

Answer. It was in 1868. I do not remember the exact time. I sent him over the river to take charge of the colored people on those large Tennessee bottom plantations. Jesse Knight, local preacher, shot in his own house, in Morgan County, in 1869, and died in a few days after.

By Mr. STEVENSON:

Question. Who was he?

Answer. A native Alabamian; had lived all his life in that place, and owned a grist-mill and a saw-mill there. He was a steady, sedate, virtuous, intelligent man. I held a quarterly meeting in his neighborhood, and stopped at his house.

By Mr. COBURN:

Question. How long was it after you held a quarterly meeting there and stopped at his house, that that outrage was committed?

Answer. About fifteen months. Rev. Mr. Johnson, local preacher, of Fayetteville, shot dead in the pulpit while preaching, in 1869.

By Mr. STEVENSON:

Question. Who was he?

Answer. A native Alabamian, living in the place; a local preacher.

Question. Do you know anything about the circumstances of that case?

Answer. Not particularly; only that a man from the congregation shot him while he was preaching.

By Mr. VAN TRUMP:

Question. A single man?

Answer. No, sir; he was a man of family.

Question. I mean the man who shot him was not supported by others around him. You say a man arose in the congregation and shot him.

Answer. He was sitting in the congregation and drew his pistol and shot him.

By Mr. STEVENSON:

Question. Was there any punishment for that that you have heard of?

Answer. I have never heard of a man in Alabama being punished for any outrage of the kind.

Question. Were the military there then?

Answer. They were in Huntsville.

By the CHAIRMAN:

Question. When was that?

Answer. In 1869.

Question. The State government was organized then?

Answer. Yes, sir.

By Mr. COBURN:

Question. At what time in 1869?

Answer. In the summer of 1869. James Dorman, a member of the conference, at Wetumpka, was brutally whipped on Sunday after service, and run from the circuit in 1870.

By Mr. STEVENSON:

Question. Who was he?

Answer. A native Alabamian; a nephew of the celebrated and distinguished Dr. Dorman, of the Georgia conference; the presiding elder of that conference. I failed to look over the minutes; I was secretary of the conference, and have not here the name of a man who joined the conference last fall at our session; and in a few weeks after he and his son were shot dead on the line of the West Point and Montgomery road.

Question. Was he a preacher?

Answer. He was a member of the conference; a colored man. He joined the conference, went to his circuit, and a few days after reaching the place he was shot. It was between West Point and Opelika, on the line of that road. His presiding elder, Dr. Franklin, wrote me the facts of the case. George Taylor, local preacher in 1869, in the county that was taken off of Florence and Lawrence. If you have the map here I can recall the name.

By the CHAIRMAN:

Question. When was it taken off? Perhaps the map here will not show it.

Answer. I think it will; it was in Tuscumbia, Colbert County. I have an affidavit here which I will present to be incorporated with my testimony. (See "B" attached to this testimony, page 148.) I was in the neighborhood, and know the facts. He was taken from his bed by a band of disguised men and whipped; laid upon his face, with men upon his arms and legs, and whipped till his back was scarified; he was punched in the head with their pistols until his hair was clotted with coagulated blood; and then, with a knife, his body and legs and thighs were punctured all over, and then they would slit them out with the knife. They ordered him to leave; his wife carried him out and fed him; he was taken to one of my traveling preachers there.

Question. Did you see him?

Answer. Yes, sir; at Old Uncle George Merrill's; he was kept concealed in their loft for about three months, and then he was able to travel, when he left.

By Mr. POOL:

Question. Was he stripped when they whipped him?

Answer. I did not ascertain; he had nothing but his night-clothes on when they whipped him.

By Mr. STEVENSON:

Question. Who was he?

Answer. A colored man; born and raised in that neighborhood; one of the most meek, humble, devoted boys I have ever known among the colored people. About the same time they hung three men from the bridge.

By the CHAIRMAN:

Question. Three colored men?

Answer. Yes, sir; from the bridge across a large creek. The leading man's name was Johnson, a member of the Methodist Church. Two others were hung with him from the bridge by disguised men.

By Mr. BLAIR:

Question. Was that at Tuscumbia?

Answer. Yes, sir; I have another case that I wish to present, and then I will submit the whole of their affidavits.

By Mr. COBURN:

Question. In regard to the men hung from a bridge, do you mean that they were hung until they were dead?

Answer. Yes, sir; and they were taken down and buried by the colored people.

By Mr. STEVENSON:

Question. Was any notice pinned upon their bodies?

Answer. Not that I know of.

By the CHAIRMAN:

Question. Does that complete the list of clergymen you have referred to as having been subjected to outrages?

Answer. Yes, sir.

Question. Were all these men you have mentioned men of good character and standing in your church?

Answer. I was personally acquainted with every man of them but Johnson, and he is reported to have been a man of excellent character. All the rest I can vouch for as being men of sterling integrity and piety—quiet, peaceable, and unobtrusive.

By Mr. STEVENSON:

Question. What has become of Taylor?

Answer. He is in Huntsville, working on a plantation within about three miles of the town.

Question. Has he quit preaching?

Answer. He is a local preacher.

Question. He is still preaching?

Answer. Yes, sir; he has never been a traveling minister.

By Mr. COBURN:

Question. Have you any information of the arrest, trial, and punishment of any persons who perpetrated these outrages upon these preachers?

Answer. I have of but one; and that was the punishment in the Dorman case. I have this item of information that I will give to you. I see now the importance of things that I did not think of at the time.

By Mr. BLAIR:

Question. Was that Dorman the man who was killed in the pulpit?

Answer. No, sir; that was Mr. Johnson. Mr. Franklin, the presiding elder of Mr. Dorman—by the way, he was under me for one year; and I have known him ever since we have organized our conference there. Mr. Franklin wrote me that at the investigation a lawyer of Watumpka denounced him as a renegade, thief, liar, and heaped every epithet upon him that could be thought of, and it seemed to meet with a very general and hearty response from the great crowd that had assembled to hear the investigation. The whole matter was laid over, or quashed, or broke down. There was nothing done—the whole thing passed away.

Question. You say the lawyer denounced Dorman?

Answer. Yes, sir; in the investigation a lawyer from Wetumpka was employed.
Question. Who was that lawyer?
Answer. I do not remember his name.

By the CHAIRMAN:

Question. How many were arrested at the time that investigation took place?
Answer. I do not know; he did not state.

By Mr. BLAIR:

Question. They were tried and released?
Answer. That is the report; that the proceeding flashed out.

By the CHAIRMAN:

Question. Is that the only case in which you know of an arrest being made?
Answer. The only instance of arrest that I know. I have one case I wish to present, and here is the affidavit. I will state the facts: a young man by the name of Blair, a colored man, ——

By Mr. STEVENSON:

Question. Is that case connected with the church?
Answer. No, sir; it is not.
Question. Before you go on with that case, I wish to ask you some questions; was there any evidence brought to your knowledge that the people who gathered around you in organizing the Methodist Episcopal Church in Alabama were people who had been constrained into the separation; was there any extensive feeling of that sort that you observed?
Answer. On the part of old men there were men who had lived under the old church and had been taken out without their knowledge or consent. They felt a longing to return to the old church and became centers of influence; and the people, as a general thing, the loyal people, were very much displeased and dissatisfied with the Methodist Episcopal Church South. Some of their best ministers were expelled for disloyalty, or because they were suspected of disloyalty to the Confederate States, and they were very much oppressed, and they hailed the opportunity of going to the old church when she went there.
Question. I notice that Mr. Sullivan in his affidavit states that on one occasion he was told that the people at the church where he was preaching did not want to hear him; that he took a vote of the congregation and all but three voted that they wanted to hear him, and three voted that they did not, and that the crowd who was outside cursing and swearing agreed with the three; did you hear of that circumstance?
Answer. Yes, sir; I heard it talked of.
Question. Currently spoken of?
Answer. Yes, sir.
Question. It was also charged against him by the crowd who were whipping him that he had not been true to the South. Had he been an old preacher?
Answer. No, sir.
Question. Did you have any communication with Methodist Episcopal preachers in other Southern States—any general knowledge of how they were getting on? Was the work going on in other Southern States also?
Answer. Yes, sir; and pretty general, for this reason: the last general conference established a paper located at Atlanta, Georgia, called the Methodist Advocate. It has become the organ of the South, and I am one of its corresponding editors; I have had a pretty extensive correspondence with the preachers and leading men of the Church, and especially with the editor of that paper.
Question. I do not want to go into details, but I want to ask you the general question, whether from your knowledge of the affairs and proceedings of the Church in other Southern States, engaged in work similar to that you were engaged in, there was any general or violent opposition?
Answer. I think there is very general.
Question. Do you mean to include the past in that; to say that there has been, and that there is, very general opposition?
Answer. I mean to say there has been and is.
Question. Has it been manifested more or less in the same way by acts of violence?
Answer. To some considerable extent.

By Mr. COBURN:

Question. Is there any radical difference, and if so, what is it, between the discipline and doctrines of the Methodist Episcopal Church South and the Methodist Episcopal Church?
Answer. There is no difference in the doctrines and in the general economy of the church; there may be some little changes adapted to the different sections of the coun-

try. The Methodist Episcopal Church retained the opposition to slavery; the Methodist Episcopal Church South obliterated it from the discipline.

By Mr. STEVENSON:

Question. They differed merely on the question of slavery?

Answer. Yes, sir; that was the ground of the split.

By Mr. COBURN:

Question. Is there any difference now that slavery has been abolished?

Answer. No, sir. The doctrines and discipline, and very generally the usage and economy, are the same—some verbal differences.

Question. Have they restored the old article in relation to slavery?

Answer. The Southern Church?

Question. Yes.

Answer. No, sir.

Question. What is, then, the difference between the churches now; is it a question of loyalty or disloyalty, or democracy or republicanism? Is it political, or is it religious, in other words; that is what I want to bring your mind to?

Answer. I think it is both; it is a mixed question. At the general conference, after the surrender, of the Methodist Episcopal Church, the general conference requested the bench of bishops of the Methodist Episcopal Church to confer with the bishops of the Methodist Episcopal Church South, and propose terms of union. The bishops of the Methodist Church South threw themselves upon the old issues and rejected the overture. At the last session of the general conference of the Methodist Episcopal Church a commission was appointed to meet the general conference of the Methodist Episcopal Church South, and again propose formal terms of union. Bishop Jaynes and Dr. Harris were the commissioners. They met the general conference in Memphis; they were received very cordially, but the announcement was made and concurred in by the general conference that it was essential for the existence of the Methodist Episcopal Church South to have two separate organizations.

By Mr. STEVENSON:

Question. That was in the conference of the Methodist Episcopal Church South?

Answer. Yes, sir.

By Mr. VAN TRUMP:

Question. Had they not, before the war, had a very great and excited controversy in the courts, and in the Supreme Court of the United States, in regard to the division of the property between the two organizations?

Answer. Yes, sir. As soon as the general conference of the Methodist Episcopal Church South was organized they instituted proceedings in the courts for their portion of the funds of the church, and they had to prosecute in the States where the property was held.

Question. I merely want to show that there was a controversy between the two churches before there were any political troubles. Was that not really the first blow against the arch of the union that occurred in the whole history of the matter?

Answer. It was a very heavy blow.

By Mr. STEVENSON:

Question. You were going on to make a statement in regard to the case of Blair.

Answer. Yes, sir. Here is the affidavit in that case. (See "C," attached to this testimony, page 148.) He was taken from his house—from his father, mother, brother, and sisters—and whipped; his legs were slit open on three sides on his thighs; the calves of his legs were slit open on two sides; the bottoms of his feet were slit open; and then there were cuts made across both legs.

By Mr. POOL:

Question. Cuts with a knife?

Answer. With some sharp-cutting instrument.

By Mr. BLAIR:

Question. Where did he live?

Answer. In Madison County, near the little town of Vienna, on the Tennessee River. It was done by disguised men.

Question. Was he a preacher?

Answer. No, sir; he was a laboring man. He was thrown into spasms. He was brought into Huntsville on a stretcher, carried into the grand-jury room, and exhibited to the grand jury. He was subject to violent spasms, and about three months after he died in one of those spasms.

By Mr. STEVENSON:

Question. Had he been subject to spasms before?

Answer. No, sir; he was a healthy boy.

By Mr. BLAIR:

Question. What was he whipped for?

Answer. I do not know; there was nothing alleged against him. The parties were all identified by the family, and they were all sworn to before the grand jury.

By Mr. POOL:

Question. Did they indict them?

Answer. It was reported that they were all indicted. It was before the United States court, under the civil-rights bill.

By Mr. STEVENSON:

Question. Have they been tried yet?

Answer. No, sir. There never has been one of them tried in that court. I think there were some thirty-three indictments, as I learned from the foreman of the grand jury, and from one of his colleagues; and seven of those indictments were for manslaughter and murder in the first degree. Judge Charlton, the foreman of the grand jury, came to Huntsville to investigate, and told me he would go to the bottom of the affair, as but two had been arrested, and they were illicit distillers. Before Judge Charlton reached his home in Summerville he was clandestinely murdered, in Decatur, in the night, seven buck-shot entering his body.

By Mr. VAN TRUMP:

Question. Did you say that difficulty arose out of some illicit transactions in distilling?

Answer. No, sir. I said but two of the party had been arrested, and they were illicit distillers.

By the CHAIRMAN:

Question. Two of those against whom indictments were found?

Answer. Yes, sir, of the thirty-odd.

By Mr. POOL:

Question. Have any of those parties who were indicted at that time been arrested at all?

Answer. No, sir. Their names are not on the marshal's books at all. There have been no capiases issued, and consequently no arrests and no trial.

By Mr. BLAIR:

Question. This was in the United States court?

Answer. Yes, sir.

By Mr. VAN TRUMP:

Question. How long ago?

Answer. A year ago last fall.

Question. Do you know the reason why they have not been prosecuted?

Answer. I think our courts in Alabama are a farce; not only a farce, but a mockery.

Question. The United States courts?

Answer. I think all of them put together are.

By Mr. POOL:

Question. Was it in the district or the circuit court of the United States, or do you know? What judge was on the bench?

Answer. Judge Busteed.

Question. Was any other judge sitting with him?

Answer. No, sir.

Question. Then it was the district court?

Answer. Yes, sir. I think there are three judicial districts, Mobile, Montgomery, and Huntsville.

Question. You mean three places of holding the United States court?

Answer. Yes, sir. I hold in my hands written statements of outrages sworn to.

By Mr. BLAIR:

Question. Do you know the parties?

Answer. I know a large number of them.

By the CHAIRMAN:

Question. State what cases you know.

Answer. Here is the affidavit of Mary Campbel (see "D," attached to this testimony, page 149,) in the case of William Campbell, her husband.

Question. Do you know the facts of the occurrence there set forth?

Answer. Yes, sir.

Question. State them.

Answer. He resided in this Big Cove that I have referred to, in Madison County. He was shot in the night, five times, by disguised men; once in the presence of his wife, and once the pistol was reached around her to shoot him.

By Mr. VAN TRUMP:

Question. Let us understand. You say you know all these facts. Of course you can give the information you have got. How do you know of this transaction?

Answer. I was in the neighborhood, and passed through.

Question. You were not present at the shooting?

Answer. No, sir.

Question. You know what you have heard others say?

Answer. I was not an eye-witness of it.

Question. What you know about it is from information from others?

Answer. I was in the neighborhood; I saw the widow of the murdered man; I was in the neighborhood, and I heard the people who buried him talk of the occurrence.

Question. As you proceed with each case consecutively, it will save time if you will state what you are testifying to of your own knowledge, and what on information from others.

Answer. This man Campbell was shot and murdered.

By Mr. STEVENSON:

Question. Who was he?

Answer. A colored man; an industrious, hard-working man, living on a plantation.

Question. Was he prominent in any way?

Answer. Quite so; he was killed just before the election.

Question. Was he prominent as a republican?

Answer. Yes, sir; as a republican among the colored men. Prior Turner, of Huntsville, was shot. I did not see the shooting; I saw the man, and saw his wounds, and I saw the case as it was brought before the grand jury.

Question. Who was he?

Answer. A citizen of Huntsville; a very hard-working, industrious colored man.

Question. Had he any prominence?

Answer. Quite considerable.

Question. As a republican?

Answer. Yes, sir; as a republican and as a man.

By the CHAIRMAN:

Question. When did that occur?

Answer. The date is in this paper. (See "E," attached to this testimony, page 150.)

By Mr. VAN TRUMP:

Question. You do not yourself recollect?

Answer. Yes, sir; I recollect the year; it was in 1868.

By the CHAIRMAN:

Question. In regard to all those cases in reference to which you have submitted affidavits, have you made such investigation as to satisfy you that the statements made are substantially correct?

Answer. Yes, sir; I am perfectly sanguine of that.

By Mr. BLAIR:

Question. In whose handwriting are these affidavits? I notice that they are all in one hand writing.

Answer. They are in the handwriting of Mr. Wager, the Bureau agent at Huntsville. Here are two cases that occurred on one plantation. (See "F," attached to this testimony, page 151.) I had the statement from the gentleman himself, two mornings after they were whipped, and I saw one of the men. Seven were whipped in one night on the plantation of Mr. David Bush; seven were whipped, three were shot, and one was murdered. I was taken to see him; he was lacerated all over, and his body punctured with some four or five bullets. He was living when I saw him, but died a few days after.

By Mr. COBURN:

Question. Did he make any statement to you while in this dying condition?

Answer. I talked with him.

Question. What did he say?

Answer. He said there were some thirty or forty disguised men who came into his house, took his gun and broke it, took him out one side and beat him, and then shot him, and persons on the plantation carried him in.

Question. At the time he made this statement was he in the prospect of death?

Answer. Yes, sir; right in the jaws of death.

Question. He made that statement with the understanding that his wounds were mortal?

Answer. Yes, sir; and it was concurred in by Mr. Bush, who saw some of the parties whipped. They were all on his plantation and they scattered in every direction.

By Mr. POOL:

Question. How many do you say were whipped at the same time?

Answer. There were seven whipped, three shot, and one killed, named Williams.

Question. Did Williams identify any of the men who did it?

Answer. No, sir; he did not know any of them.

By the CHAIRMAN:

Question. Does this embrace the number of persons whose affidavits you are in possession of, and which cases you have examined so as to be satisfied that these statements are correct?

Answer. Yes, sir.

Question. State whether your attention has been directed to the number of persons in various counties who have been subjected to these outrages, and if you have made a summary of how many they are, including those you have mentioned in your testimony.

Answer. It would be very difficult for me to tell, as I have traveled over nearly every county north of Montgomery, in my saddle; with the cares of my church resting on my mind, it would have been very difficult for me to have recorded all the numerous instances that came to my knowledge. I was careful to keep a record in my diary of what I regarded as authentic, and to put down none that I regarded as doubtful.

Question. Taking the various counties, give us a summary of what you have so recorded; you need not give the names.

Answer. I have taken down Madison, Jackson, Limestone, Morgan, Blount, and Marshall Counties.

Question. Give a summary of the result of your examination, beginning first with Madison County.

Answer. At the time I was getting out of the way I got into the creek and got my book wet, so that the entries are somewhat blurred; in Madison County there were sixty-one cases.

Question. Between what dates?

Answer. From 1868 to 1871.

By Mr. COBURN:

Question. Do you mean including 1871 up to this time?

Answer. Yes, sir.

By Mr. POOL:

Question. Have there been any in 1871?

Answer. Yes, sir; they are going on now, or were when I left home. They were raiding constantly. In Jackson County were forty cases.

By the CHAIRMAN:

Question. Between the same dates?

Answer. Yes, sir; there were seven killed in Madison among the sixty-one cases. In Limestone County were thirty-six cases, of whom six were killed.

Question. The six are included in the thirty-six?

Answer. Yes, sir.

By Mr. POOL:

Question. How about Jackson?

Answer. There were thirty-one punished and six killed there. In Blount County seventy-one were punished; six killed; in Marshall County there were seventy-six punished and seven killed; in Morgan County fifty-seven were punished and eight killed.

By Mr. BLAIR:

Question. Have you the names in that memorandum-book

Answer. Not all in all the counties; some have been blurred or obliterated so that I have been compelled to transfer them.

By Mr. VAN TRUMP:

Question. How came you to state awhile ago that there were forty cases in Jackson County?

Answer. I made a mistake.

By Mr. COBURN:

Question. Were these more violent cases of outrage perpetrated by what are called Ku-Klux or disguised men?

Answer. In every instance I have recorded there it has been by disguised men: I have recorded no other instances.

By Mr. VAN TRUMP

Question. Is this your original memorandum-book or a transcript?

Answer. I have had some of my manuscripts burned, when my house was burned, and I had to take some of these from scraps as I gathered them or had them in my possession.

Question. Then this is but a transcript from the original memorandum?

Answer. Yes, sir; and some additions made here.

Question. How does it happen that this all appears to be written at one time?

Answer. I stated that I drew it from rough memoranda and manuscript.

Question. Then there is no part of this book which is original memoranda?

Answer. No, sir; but I assert that it is a true copy of what I gathered as I traveled through the country.

Question. Did you take down the first case of all that you heard of when you went to Alabama?

Answer. I did not take them down for some little time.

Question. After how long a time; how many cases had occurred and come to your knowledge before you began to make a record of them?

Answer. On my return from my refugeeing in the mountains; I then began to keep a memorandum in regard to certain localities.

Question. In what year did this refugeeing condition of things occur?

Answer. It was a few days after the presidential election.

Question. When did you go to Alabama?

Answer. In the autumn after the surrender; but there was no Ku-Klux then.

Question. There was no disturbance of any kind?

Answer. Not at all.

Question. You went there as a gospel minister?

Answer. Yes, sir.

Question. And from 1865 to when was there entire harmony and peace?

Answer. Up to near the presidential election, or during the spring and the summer preceding.

Question. And it was at that period that you were a refugee?

Answer. Yes, sir; after the presidential election I was two months in the mountains, and after that I commenced making a record, and then I recorded the facts.

Question. How long prior to that presidential election did these things begin to occur?

Answer. They commenced about March and April.

Question. Seven or eight months prior to the presidential election, then?

Answer. Yes, sir.

Question. And you did not commence to make memoranda or to keep any record of these things until two or three months after the election?

Answer. No, sir.

Question. Nearly a year passed, then, before you began to think it was your duty to keep a record of the state of things in Alabama?

Answer. Not that length of time.

Question. Well, some nine months?

Answer. Yes, sir.

Question. Did these things occur frequently prior to the presidential election?

Answer. Quite frequently.

Question. Why did it not strike you that you ought to keep a memorandum of those things?

Answer. I do not think of any particular reason; men do some things without any particular reason for them; but it began to occur to me that they were so frequent that I would look after them and keep a memorandum of them.

Question. That is, two or three months after the presidential election, and after all the excitement which that election would naturally produce everywhere in the country had begun to pass away, you then began to think it was time to make a memorandum of these things?

Answer. Yes, sir; I will say this: that I regard that as a very moderate estimate for the State.

Question. It does not come up to the facts, then?

Answer. I think it a very moderate estimate for these reasons: I heard of whippings and hangings in different places, many that I have not recorded there.

Question. In these special counties?

Answer. O, yes, sir.

Question. Murders which you have not recorded?

Answer. Yes, sir; one man hung by the name of Smith.

Question. How many more murders?

Answer. There was a Mr. Francis, a school-teacher, and a blacksmith, and several others.

Question. Why did you not put them down in this record?

Answer. I could not testify to them, and by some means or other they escaped me, and I would not make any fresh entry.

Question. You cannot testify positively to the facts in most of the cases on the list here?

Answer. No, sir, I cannot positively; but they are well-attested cases that occurred in neighborhoods through which I have traveled, and of which I have no earthly doubt. Then there is this fact: there is such terror on the people that many are whipped and dare not name it; they are threatened to be murdered, to be burned up, to be outraged, if they mention it.

Question. That is the reason why you think this list is a moderate one?

Answer. Yes, sir.

Question. How often have you held church services in Alabama, religious services?

Answer. I cannot tell you.

Question. Is the number almost beyond your recollection, innumerable?

Answer. Where I have held churches?

Question. Yes, religious services, publicly?

Answer. I have been a very industrious laborer.

Question. Has it been as often as once a week?

Answer. I should think so.

Question. During these five years and eight months?

Answer. Yes, sir.

Question. Were any of your services, your public meetings, ever broken up?

Answer. No, sir; in several instances I have been notified that it would not be safe, and I have not gone to my appointments.

Question. I know you have testified so; now, if these men were so persistent and deliberate in seeking your life, have they not had a number of opportunities to accomplish that result?

Answer. Yes, sir.

Question. At the times they have come to your meetings there has always been some interposition of Providence, or something else, at least a remarkable array of circumstances by which you have escaped?

Answer. Yes, sir.

Question. You are holding meetings there yet, are you not?

Answer. No, sir.

Question. How long since you ceased.

Answer. On my return from the March and April tour I determined never to make another tour on the circuit; my presence in the neighborhood was a matter of terror and alarm.

Question. Then, if I understand you, there is more terror and a more desperate state of things in Alabama at this moment than there has been at any previous time during the five years and eight months you have been in Alabama?

Answer. I did not say that. At the time I ceased my labors, when I made my last tour around my district, I was in more peril than in any other I have ever made there.

Question. That was how long ago?

Answer. I closed out in April. I wish to name three other circumstances that escaped me. I have been very ill. I have not been so ill before for twenty years as I have been since I have been here, and my memory does not serve me as readily as it would under other circumstances. I may get things a little out of place. In the month of August, 1869, I was traveling through a long piece of woods when a rifle-bullet passed by my ear, cutting through my whiskers, which were a little longer then than they are now. I saw the smoke of a gun from behind a large oak tree. I wheeled my horse and rode up, and found a man there who was trembling and shaking.

Question. Were you alone?

Answer. Yes, sir.

Question. Unarmed?

Answer. Yes, sir. I came rapidly on him as he was trying to reload his gun. He thought he was going to be killed. He knew that he deserved it, and begged piteously for life. I made him go down to the road.

Question. You had him completely under your control?

Answer. Yes, sir. I carried him with me about a mile and a half, until I came into an open lot so that I knew he could not hurt me, and then let him go. He gave me his name, but it was a fictitious one.

Question. How do you know that?

Answer. I described the man to people who knew him, and a week after that he left the country.

Question. Was he disguised then?
Answer. No, sir.
Question. Had he any pistol or bowie-knife about him?
Answer. Not that I know of.

By Mr. STEVENSON:

Question. He was disguised by the tree when he fired?
Answer. Yes, sir.

By Mr. VAN TRUMP:

Question. Why did you not take him before an officer of justice?
Answer. I did not know that I should ever live to get there with a prisoner, and I have no confidence in the courts of justice there. I would not prosecute a man; I would not complain of a man to a grand jury, whatever he might do.
Question. You say you have several other cases. Before I go to another point you can state them.

By Mr. POOL:

Question. Before you leave this case, what did that man's real name turn out to be?
Answer. I do not remember his name now.

By Mr. VAN TRUMP:

Question. Did you know him before that?
Answer. I had never seen him before.
Question. Could he possibly have known you?
Answer. Yes, sir; I think he did; he had been to my meetings.

By Mr. POOL:

Question. Was he a white man?
Answer. Yes, sir, he was a white man; a slim, long-haired, hollow-eyed, sallow-looking fellow. He was said to have been a very bad man through the war.

By Mr. COBURN:

Question. How far from there had you preached?
Answer. About five miles.

By Mr. POOL:

Question. What reason did he give for shooting at you?
Answer. He said he shot at a squirrel, did not shoot at me. But that was a very open piece, and you could see a man for two hundred yards. I was in sight at least two hundred yards.

By Mr. BLAIR:

Question. Where was that?
Answer. In Blount County. In the month of November following I was riding through a piece of woods, and a man fired on me from a point of rocks, at an angle of about four degrees; the ball just clipped over my shoulder, zip! I saw him get up from behind the rock and go over across the ridge and run off.

By Mr. VAN TRUMP:

Question. Did you not begin to think that if there was any time when it was prudent to stop your travels it was just about that time, two years ago?
Answer. I thought it was time to say my prayers.
Question. Still you kept on two years longer, or a year longer?
Answer. Yes, sir. In the month of December, 1868, on a Friday, it was intensely rainy, and I was unable to travel. I had twenty miles to go to reach my quarterly meeting. I started the next morning, a little before day. The moon was shining. About a mile from the house, at a causeway in the pike, a cap was snapped within five paces of me, and a man ran off like a deer through the woods with his gun in his hands.
Question. These are the three instances you wanted to state?
Answer. Yes, sir.
Question. Now, to go back for a few moments to where you started. You say quite a number of leading men told you that they would never submit to the Government, because their slaves had been made their rulers. That is about the substance of what you said, I believe. When was that?
Answer. That was in the last of winter and in the spring of 1867.
Question. Were those gentlemen republicans or democrats?
Answer. I judged from the general tone of their conversation that they were democrats.
Question. Were you not acquainted with them?

Answer. No, sir; I had never seen them before.

Question. How many gentlemen of that sort, prominent leading men, spoke to you in that way?

Answer. I should suppose, scattered over the distance I traveled, a dozen.

Question. Was it on any particular trip that you were making in your religious vocations, or was it on several trips?

Answer. It was on a trip for one single purpose, to distribute the moneys belonging to the different presiding elders and the preachers under them.

Question. Then it was on that trip, for that purpose, that these men told you these things?

Answer. Yes, sir.

Question. In what county or counties did it occur?

Answer. I should suppose, as I was traveling through the country, (I made no particular record of it,) that it was in Calhoun, Tallapoosa, Talladega, and various other counties. I do not know that I could name them all, for I was traveling zigzag over the country.

Question. These men were strangers to you as you were passing through there?

Answer. Yes, sir; total strangers.

Question. How did you happen to stop and get into conversation with them?

Answer. I was traveling and put up with them over night; introduced myself as a Methodist preacher, and during the conversations we had these matters were spoken of very freely, as they were uppermost in their minds.

Question. Do you say that you do not know the name of a single man of all those who made that declaration to you?

Answer. No, sir; I do not now know the name of one of them; I made no record of their names.

Question. Did it not strike you with surprise that they should make such declarations?

Answer. Somewhat so.

Question. Why did you not keep a record of that state of facts as you did of these others? You had your book with you?

Answer. I had a diary.

Question. You did not make that record?

Answer. No, sir.

Question. You did not know their names?

Answer. I knew their names at the time, but in the crowd of matters that have come up in the years since then their names have been crowded out of my memory.

Question. You knew their names at the time?

Answer. Yes, sir.

Question. How many instances of that sort occurred?

Answer. I should suppose in the neighborhood of a dozen.

Question. And not a single name can you recall now?

Answer. There is this to be said: I should hesitate some time before I would give a name under the circumstances, though I state positively that I do not remember a name. But if I did I should hesitate a little, because I might embarrass the position of those men if this evidence should come out.

Question. You would fear for those men?

Answer. I would fear for those men.

By Mr. POOL:

Question. You do not expect to go back there?

Answer. I have virtually resigned my relation to that district, and so notified my bishop, and he has virtually released me, though I still hold the relation to my conference and district.

By Mr. VAN TRUMP:

Question. I understood you to say that, notwithstanding those gentlemen were strangers to you and you to them, they said there was an organization that would regulate this whole matter?

Answer. Yes, sir.

Question. And that you asked how it was to be done, and they said that a man would drop dead here and another there, and so numerous would be the cases of that sort that it would overwhelm and overawe the judiciary of the country. That was about the substance of what you said?

Answer. Yes, sir; that is about the substance.

Question. And when you got back to Huntsville from that same trip, you first heard of the Ku-Klux organization?

Answer. Yes, sir.

Question. And you heard with amazement of an organization that corresponded exactly with what those men said was to be?

Answer. Yes, sir.

Question. How long were you on that trip?

Answer. I traveled six hundred and fifty miles in my saddle, over bad roads.

Question. You were not on a preaching tour, but stopped to distribute documents?
Answer. To distribute funds.
Question. Did you get back in the course of five or six weeks?
Answer. I cannot state the time. I was busy during the whole time. I do not remember the exact time. I was very active.
Question. Have you any idea of about what time it was?
Answer. No, sir.

By Mr. STEVENSON:

Question. Can you give us the date when you started on that trip?
Answer. It was about the middle of February, 1867.
Question. You are distinct in your recollection about that?
Answer. I am pretty distinct about that.

By Mr. POOL:

Question. How was your house burned?
Answer. It was burned with fire, and very rapidly, too.
Question. Who burned it? State the circumstances.
Answer. I was not at home at the time. It was reported to have taken fire by accident, and yet it was very mysterious.

By Mr. VAN TRUMP:

Question. In the city of Huntsville?
Answer. Yes, sir; no assistance was rendered, and my family reported to me, and so did the teachers. I obtained assistance from the church, and some aid from the bureau, and built a very fine seminary of learning, which cost about $10,000, for the education of teachers; a normal school in Huntsville. My house had been the house of the teachers, and they informed me, when I got home, that the people would laugh and jeer, and not lift a finger to help, and said that all they regretted was that the whole damn nest of nigger preachers and teachers was not burned up with the house.
Question. This is the information you got after you got back?
Answer. Yes, sir.

By Mr. STEVENSON:

Question. Who said that?
Answer. The crowd that came around

By Mr. VAN TRUMP:

Question. What time of day?
Answer. Early in the morning.
Question. After the people had all arisen from their slumbers?
Answer. Yes, sir.

By Mr. BLAIR:

Question. Your family were at home?
Answer. Yes, sir.

By Mr. POOL:

Question. Was it the seminary that was burned?
Answer. No, sir; a private house.

By Mr. VAN TRUMP:

Question. Was there any fire-engine in Huntsville?
Answer. Yes, sir; but they did not get there in time.
Question. They did come?
Answer. Yes, sir; but the building was too far gone.
Question. You thought they were rather slow coming? That is your general impression?
Answer. Yes, sir; that is my impression. I will state one fact more. There have been six churches burned in my district by incendiaries, and four of them—three colored and one white—within the space of four weeks preceding the congressional election last summer. Here is a description of the shooting into my house, of which I spoke. [See "G." attached to this testimony, page 153.] And here is a notice of the action of Governor Lindsay. I merely name it.

By Mr. STEVENSON:

Question. Does that relate to the shooting into your house?
Answer. No, sir.

The paragraph is as follows:

"From the Huntsville Advocate, May 27, 1871.

"The governor at last has offered $200 reward each for Howell Jones and Geo. Blan-

cett, charged, as disguised men, with whipping Wm. Harper in Jackson County about one month ago. Also $200 each for James and Preston Lewellen, H. C. Lawless, Geo. Wann, and Burn Barber, charged (as disguised men) with killing Sam'l Cates on 25th January."]

By Mr. VAN TRUMP:

Question. How does that relate to the testimony you have given?

Answer. I only showed it to you, as I thought we were about closing out my testimony, to show how matters are going on in Alabama.

Question. If you want to have it in your testimony——

Answer. I do not know anything about it.

By the CHAIRMAN:

Question. You know nothing about it?

Answer. No, sir.

By Mr. VAN TRUMP:

Question. You do not admire Governor Lindsay very much.

Answer. He is a very gentlemanly, fair-minded man. I showed that to show that Governor Lindsay is making some efforts to stop these things.

Question. I understood you to offer it in a very different light.

Answer. No, sir.

Question. You said you handed it to me to show how things were done. I supposed it was a sort of criticism on Governor Lindsay's acts.

Answer. No, sir; I intended it the other way entirely.

By Mr. STEVENSON:

Question. What is this paper, the Huntsville Advocate?

Answer. It is a republican paper, and a very prudent, cautious sheet. I introduced this to show that Governor Lindsay was taking some pains and making some efforts to ferret out and arrest this state of affairs.

By Mr. VAN TRUMP:

Question. I merely misapprehended your object.

Answer. That was my object.

By Mr. STEVENSON:

Question. What knowledge have you from general information as to whether any school-houses have been destroyed or attacked in Alabama during the time covered by your testimony?

Answer. I have passed the ruins of probably a half dozen colored school-houses that have been burned.

Question. In your district?

Answer. In my district; yes, sir.

Question. Have you heard of any others being burned; I mean have you been credibly informed so by persons in the neighborhood?

Answer. I think that has occurred in almost every portion of North Alabama; I am not so well acquainted in South Alabama, but I think it has occurred pretty generally throughout North Alabama.

Question. How was it understood that these school-houses had been burned?

Answer. By incendiaries; by persons opposed to the education of the colored people.

Question. Did it appear whether any of the persons who burned them were in disguise?

Answer. It was not known; they were burned in the night clandestinely.

Question. Was that the case with the churches?

Answer. Yes, sir.

Question. Was there any marked hostility exhibited toward school-teachers?

Answer. Very great hostility.

Question. In all the cases you have mentioned, I believe you have specified one or two instances of outrages committed upon school-teachers; were any of the others school-teachers, so far as you know?

Answer. None of those I have named. A white man in Morgan County was beaten and driven off.

Question. When was that?

Answer. That was in the fall of 1868. I think there has been a very deep-settled opposition and hostility to the education of the colored people; but I think we are improving in that respect; I think that opposition is greatly weakened, and that there is a better feeling on that subject.

Question. What is your opinion of other portions of the State in regard to the destruction of churches? I believe you have spoken upon that point exclusively in regard to your own district.

Answer. I have heard of a great many others; I have no evidence of it except from newspapers and from general report.

Question. From your communications with the church?

Answer. Yes, sir.

Question. How were those churches generally built?

Answer. Some of them were built preceding the division, and belonged to the old Methodist Episcopal Church, and by the division fell to the Methodist Episcopal Church South.

By Mr. VAN TRUMP:

Question. How did you get possession of them?

Answer. In many instances the whole congregation came over to us, and as they were not occupied by anybody else, we occupied them.

Question. Was there any conflict between different congregations in regard to getting possession of churches?

Answer. Not one of those which has been burned in my district. The white church I referred to, as one of the four burned last summer, was built by the citizens within the last three years.

By Mr. STEVENSON:

Question. By the congregation after it was organized?

Answer. Yes, sir; and so with regard to all the colored school-houses. You will have to make a little allowance; our churches there are sometimes very crude affairs. They are built up of rude, crude logs; and what they would call boards we would call staves.

By Mr. VAN TRUMP:

Question. Clap-boards, we call them in Ohio?

Answer. Yes, sir; and from $40 and $50 to $75 would build one of them. And the colored people would put up very crude log-pens for school-houses, that would be worth $25 or $30; but they would answer their purpose.

Question. The colored people put them up themselves?

Answer. Yes, sir.

Question. All the houses down there, as a general rule, are not very substantial?

Answer. They are very crude.

By Mr. BLAIR:

Question. Does it not happen occasionally in that wild country that these churches are used at night by travelers passing through?

Answer. Not there; they are not on the roads traveled. What you have said is the case to a very great extent, but not in regard to the colored churches; I have never known travelers to put up in them. In the South they have no public houses in the country, and those engaged in teaming generally go prepared to camp out, carrying their own provisions, which they prefer, and stop nowhere at private houses, unless it is a stormy night, or something of that sort.

Question. In such cases, I suppose, they frequently avail themselves of the shelter of the churches?

Answer. Yes, sir; if in the neighborhood of them.

Question. And in that way their destruction occasionally occurs?

Answer. That was not the case in either of these instances, because they were not on roads where they traveled.

Question. There must be travelers all through the country?

Answer. There were no travelers there when they were burned.

By Mr. STEVENSON:

Question. Did you ever hear their destruction, in any case, attributed to that cause by anybody?

Answer. Never.

By Mr. POOL:

Question. Were any churches burned of any other denomination?

Answer. No, sir.

By Mr. VAN TRUMP:

Question. While on the subject of burning, let me inquire of you with regard to the burning of your own house. You said the fire in your house occurred in the morning?

Answer. Yes, sir.

Question. About what time?

Answer. I am not positive whether it was at 12 o'clock or soon after breakfast; it was either soon after dinner or soon after breakfast.

Question. After people were all up and at their business?

Answer. Yes, sir.

Question. What members of your family were there?

Answer. I think but two members, my wife and only daughter, and the teachers; probably four teachers were stopping at the house.

Question. Where did the fire occur; in what part of the building? Some of the members of the family must have noticed.

Answer. It was first seen breaking out of a window; the fire had extended so far they could not tell exactly where it began.

Question. It was a very rapid conflagration from the first moment it was discovered?

Answer. Yes, sir.

Question. Was it a wood or a brick house?

Answer. All of our buildings there are principally of this fat pine; there was a wind blowing, and it went like tinder.

Question. Will you state here as a witness that you have any idea that house was fired by an incendiary?

Answer. I have no settled opinion myself upon that subject. There were suspicions, but I give the best construction; I do not believe it was.

Question. Huntsville is quite a large town?

Answer. Yes, sir.

Question. Did you live in a thickly-populated part of the town?

Answer. No, sir; I was near the square, where there were but few buildings: there were vacant lots around me.

Question. Nobody could have got up into the upper story of that building and set fire to it that morning without some member of the family knowing it?

Answer. They might have come in from the rear, but I do not regard it probable.

By the CHAIRMAN:

Question. You give it as your opinion that it was not burned by an incendiary?

Answer. I give it as my opinion that it was not.

By Mr. BLAIR:

Question. I notice in this account in the paper ["G," attached to this testimony, page 153,] of the shot fired into your house, that "one of the upper panes of the upper sash of the bow window was broken" by the shot; was that so?

Answer. The window was on a line with the street, and the firing was in a direct line with the fireplace in the room. The shot struck over the center of the window, covering the whole window down to the center.

Question. None of the shot were lower down?

Answer. I think there was one about six inches below the center, and then from that ranging up to the top of the window.

Question. That would all be above the head of a person standing, would it not?

Answer. No, sir; it would have struck me standing.

Question. If you had been directly at the window?

Answer. If I had been directly at the window, and standing, it might have struck me.

Question. They ranged up, did they?

Answer. Yes, sir; they rather ranged up and struck in the wall rather high; I think but one struck the ceiling above the wall.

Question. The shot ranging upward?

Answer. Yes, sir; the house was a little up above the level of the street.

Question. The statement in the paper goes on to say that this shot evidently was not intended to kill, because of its being fired at such an elevation.

Answer. You will have to take that description with some grains of allowance.

By Mr. VAN TRUMP:

Question. Why?

By Mr BLAIR:

Question. What I want to get at are the actual facts of the case, because those facts fell under your own observation, as you were there in the room, and saw where the shot struck, and the course and direction they took. It was impossible to have struck a person with that shot, unless he was standing directly at the window, because they struck high on the window and ranged upward?

Answer. Yes, sir.

Question. Now, in arguing from that fact, this newspaper says that it was either fired by a very bad marksman——

Answer. Yes; or that he did not intend to kill. There is another paper, I think, that has an account of it.

Question. That is a fact to which I wish to draw your attention. You say there was a light in the window, and from the description which you gave of it, it is evident that a person could be seen through the window although the blinds were closed. Did you not say that?

Answer. No, sir; you could not see a person; you could see the light.

Question. What I wanted to get at was whether it was a natural inference, to be drawn from all the surrounding circumstances, that the shot was calculated rather to alarm you than to injure you.

Answer. The fact that persons were in the rear with guns at "present arms," the aim of the gun fired, and the report they circulated subsequently that I was killed, all forced the conclusion upon my mind that the intention was to kill me. It is a well-known fact with all marksmen—perhaps you are not so well acquainted with hunting as some are—that in shooting in the night, all men, unless they are experts, always shoot over. In shooting at a deer in the night, or at a turkey, or at anything of that sort, a marksman is pretty sure to shoot over unless he is an expert, and allows for the darkness of the night. I account for the shooting over in that way.

Question. You think it was intended to take your life?

Answer. I believe it was intended to take my life; and from the subsequent fact that I was notified to leave the place.

Question. Now, do you think it is a rational thing in a man who really had any design to take your life, to shoot simply where he saw a light, and where he could not see your person?

Answer. I had been seated there until 7 o'clock—until after night-fall.

Question. The shot could not have hit you where you had been seated?

Answer. The marksman shot over.

Question. You assume that a man who really designed to take your life would shoot where he had seen you some hours previously, simply because he saw a light there?

Answer. Not some hours.

Question. How long before?

Answer. Not exceeding sixty minutes.

Question. That is an hour?

Answer. Yes, sir.

Question. Do you think that a person, who had any serious design to take a man's life, would act in that way?

Answer. I do not wish to argue the subject; but, as you argue the question, I will say that the fact that I had been seated there until after dark, that my light remained there the same after the curtains were drawn, they could not see me, but they could see the light; the firing of the gun after those fruitless attempts, and snapping three caps, the position of the men in the yard with guns at "present arms," the only points of egress from the house being guarded, the announcement made that I had "gone up," all that to me was evidence that they were making an attempt on my life.

Question. I simply want to get your opinion of the matter under the circumstances?

Answer. One remark; that statement in the paper is not a faithful statement of the facts. Mr. Clay, the editor of that paper, is a very heated, strong partisan; remarkably so. You see he makes a remark there not favorable to me. He has been a most mortal and bitter enemy of me and my friends, and several very scurrilous and low-down articles in regard to me and my family have appeared in his paper.

By Mr. VAN TRUMP:

Question. You still say he does state the facts?

Answer. He states facts, but he throws in the remark that the man who fired the shot was a bad marksman, or had no design to kill me.

By Mr. STEVENSON:

Question. How wide was the street there?

Answer. I suppose the space between the house and the street is three feet, and from the appearance and position of the man who fired the shot, he was about the middle of the street. The soiled wadding of the gun was found at a point that indicated that he was in the middle of the street.

By Mr. BLAIR:

Question. Did you hear the caps snapped?

Answer. Distinctly.

By Mr. STEVENSON:

Question. Suppose you had been seated at the window, where you had before been sitting, judging from the position where the man was, and where the shot struck, how high above your head would the shot have passed?

Answer. About three feet?

Question. He would have missed you, then, by about three feet?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Is it very rational to suppose that a man would continue to sit at the window when he heard three caps exploded in the street, in that way?

Answer. I was not sitting at the window.

Question. Well, arguing from the real occurrences as you suppose them to be; here is a man deliberating murder; he snaps three caps at a closed window. Is it natural to suppose that the man would believe that his victim would remain seated or standing at a window at which he was attempting to fire his gun?

Answer. I do not know how that is. The first cap startled me.

Question. What did you do?

Answer. I hesitated; I was conversing, and I did not wish to show any alarm to my family. The second cap snapped, a very short space of time afterwards, as soon as a man could re-cap a gun. I remarked, "That is the crack of a whip;" boys very frequently crack whips on a street they are traveling upon. Not hearing any footfalls or any wagons passing, my mind was agitated. The third explosion was a faint one; the cap seemed to be a little defective. "O!" said I, "it is nothing but the crack of a whip." The family was all anxious, looking at me; there were several persons present; and then the gun exploded.

By the CHAIRMAN:

Question. Upon the supposition that the shot discharged at your house would not have effect, was it not reasonable to suppose that you would go either to the front door or to the back door of the house?

Answer. Yes, sir; it would be very reasonable to suppose so.

Question. You say there were two persons at the back door, with guns. Had the person in front any confederate with him, did you learn?

Answer. Nothing more than vague report; it was reported that there was quite a little crowd of them, and they ran off up the street. But I have no knowledge of those facts, for I did not go to the front or to the rear.

Question. Had you appeared at the front door, you would have been in range of a gun in the street?

Answer. Yes. sir.

By Mr. POOL:

Question. Did it never occur to you that the purpose of popping those caps was to draw you out of the house?

Answer. They reported, with an oath, "that the damned old fusee would'nt go off."

By Mr. VAN TRUMP:

Question. Would a man know beforehand whether the thing would go off or not?

Answer. No, sir.

By Mr. POOL:

Question. Did it never occur to you that the popping of those caps was for the purpose of getting you to go to the door, or to the window, to draw aside the curtains and disclose yourself?

Answer. I think they intended to fire the first time, but they missed every time until the fourth cap.

By Mr. STEVENSON:

Question. Is it not true in regard to shooting, that if a man makes two or three failures, it affects his nerves, and is apt to make him shoot wild?

Answer. Always.

Question. How did the ground lie outside?

Answer. Perfectly level from the house to the street, and the street was on a level with the sidewalk.

By Mr. BLAIR:

Question. You could tell pretty accurately where the man stood by tracing the line and range of the shot; that is, an ordinary sized person? In fact, that would bring you to the exact spot, would it not?

Answer. I think I ascertained the exact spot where he stood when he fired.

Question. How far from the window was it?

Answer. About twenty paces.

By Mr. VAN TRUMP:

Question. I do not know that it is very proper, and I am not very willing to ask a witness his own opinion of his own mental or moral organization; but right here I will ask, do you not think that you are a man of very hasty and strong suspicions?

Answer. No, sir; I think I am the very opposite.

Question. You say you think the intention was to kill you, because directly afterward it was bruited through the town that you had been shot?

Answer. Yes, sir.

Question. Do you mean to say that these men ran out and said they had killed you?
Answer. I do not know who told it.
Question. From your position in the community, from the very fact that it was known that you had been shot at in your house, it would be said that you had been killed?
Answer. I do not know who reported it.
Question. You say that the reason why you believe it was intended to kill you was that it was reported that you had been killed.
Answer. I merely referred to that as only one circumstance.
Question. Do you mean by that to infer that these men said they had killed you?
Answer. I do not know that I intended such an inference as that.
Question. Then what connection has that report with the matter?
Answer. The probabilities are that there were no other reporters there than the parties who fired the shot and their coadjutors.
Question. I see that is your impression—that they went out and reported that they had killed you; is that natural for criminals to do?
Answer. A great many things are natural in Alabama that would not be elsewhere.
Question. These were not disguised men?
Answer. I do not know; I did not see them.
Question. Somebody saw two men?
Answer. They were not disguised; I stated that.
Question. The inference is that those two were companions of these other men?
Answer. I should suppose they were accomplices.
Question. And if it was so, it was as necessary for them to be disguised as for the men who fired. Then your mind does run in this suspicious line, that these men announced that you were killed, and, therefore, you thought it was intended by them to kill you. Is not that the current of your mind on this subject?
Answer. I stated this: that in view of all the facts, what occurred then and what followed afterward, my being warned to leave the place, all led me to believe that an attempt was made on my life. That was the light I put it in; and I do not know that I have any reason to change it.
Question. I do not know that you are unreasonable in supposing that they intended to take your life.
Answer. That is my view of it.

By Mr. STEVENSON:

Question. I see by the account in the paper that this occurred November 10, 1868.
Answer. Yes, sir.
Question. Was that the night of the political meeting?
Answer. No, sir; the meeting occurred the 30th of October, I think.
Question. Did they fire on your house on the day of election?
Answer. A little after the election.
Question. While the excitement of the election still prevailed?
Answer. Yes, sir.
Question. From the state of feeling in the community at that time, is it your judgment that if the Ku-Klux had succeeded in killing you, they would have considered it a meritorious act or otherwise; would they have been likely to brag about it?
Answer. I think it would have been an event of exultation and pleasure to them.
Question. A question on another subject: I want to know whether it is your impression that these acts of hostility toward the Methodist Episcopal Church in Alabama have been committed by members of the Methodist Episcopal Church South? Your testimony here might possibly be subject to that inference, and I want to know whether you intend that.
Answer. I have made no such statement.
Question. I know you have not; but I want to know if you intend to convey that impression.
Answer. No, sir; I say this, and I mean it, that the Methodist Episcopal Church South is intensely bitter and hostile toward the Methodist Episcopal Church.

By Mr. VAN TRUMP:

Question. A little unchristian feeling on both sides?
Answer. I do not think there is on our side.
Question. It is perfectly right on your side?
Answer. So far as I know.

By Mr. STEVENSON:

Question. Have there been, so far as you know, any such acts committed upon their houses or persons?
Answer. Not an instance that I know of or ever heard of.
Question. By nobody there?
Answer. No, sir.

A.

STATE OF ALABAMA, *County of Madison:*

On this 18th day of August, 1869, personally appeared before me, Lewis M. Douglass, judge of probate in and for the county and State aforesaid, M. B. Sullivan, minister of Methodist E. Church, resident of Marshall County, State of Alabama, who, being duly sworn, deposes and says that, on or about the 23d day of February, 1869, while attending to the duties of my office or ministration, in traveling from Mr. Cooper's, near Deposit, in Marshall County, State of Alabama, to Mr. Willis Stephens's, in the same county, on road from Mr. Cooper's to Fearen's Ferry, I was met by a man who was walking, a stranger to me then and since, who spoke to me, saying, "Are you the minister who preaches in this settlement?" I replied, "I am." He then stated to me he was in search of me, to tell me that my life was in danger; that on the third Sunday in the month the Ku-Klux had watched the road leading from Fearen's Ferry to McHarden's for me; also, that Rash Furgerson had watched the road leading from the church to the ferry to see which way I did go, to inform the Ku-Klux of it. He would not tell his name; said he was a friend of mine, and if it was known that he had warned me his life would be in danger. He left me then. After going about one mile and over, I met a colored man who said his name was Burton, and he gave me the same warning that the unknown white man had. When I reached Mr. Willis Stephens's house, I there repeated that which the two men had told me, and Mr. Stephens said that the colored man was believed to be truthful, and that they could not tell certainly who the white man was, but that I must be careful of myself. Mr. Stephens said he had seen the man Rash Furgerson riding by his house, going and coming to and from the direction of the church on that Sunday; that he had stopped and talked with him.

About Friday, 9th of April, 1869, while traveling on the Warrenton and Gadsden road, near Warrenton, in Marshall County, Alabama, I heard the explosion of a gun-cap, on the right-hand side of the road, in the bottom, which was a marshy thicket. I tried to see who was there, but could not get in there, the ground was so marshy; I could not see who the party was.

I further swear that on May the 9th, 1869, the second Sabbath of the month, I was keeping my regular appointment at the church in the settlement of Wright's, near Flint River. I was in the church a few minutes before the services commenced. Three men came to me, saying they wanted to speak privately to me. We walked out from the church about thirty yards. Mr. Giles, Wm. S. Slinger, and I think the other one's name is Mr. Moon. Mr. Giles said, "We are your friends," and that they had come there to tell me it was dangerous for me to preach there that day or at any other time. If I did preach, it would cause blood to be shed; that the white citizens were opposed to my preaching there; and Mr. Wm. S. Slinger said that if he was to have me to go home with him, before he was a week older the Ku-Klux would visit him and drag him through the ponds and whip him. I told them that I would fill this appointment, and leave it to the people to say whether I should return again. We all then went into the church, and I commenced services. During the services there was quite a crowd of men and boys outside, who, by their loud tones of conversation and profane language, greatly annoyed and disturbed myself and my fellow-worshippers. At the close of the services I told the congregation that I had been informed that they were opposed to my preaching in the church, and desired to know their feelings about the matter. I took my seat. The congregation then took a vote upon the matter. The result was communicated to me that the greater number wished me to continue my regular appointments with them. Then they took a vote to see who was opposed to my preaching there, and three (one young man and two young ladies) voted that I should not preach there, after which Mr. Giles said in a speech that he was opposed to my preaching there, as the church I was a minister of had caused the war, and that if I did, it would cause bad times and bloodshed in the country. The crowd outside cheered him, some saying, "That is right," "God damn him, do not let him come here."

I further swear that on Tuesday night following, the 10th of May, 1869, while I was at Henry Stephens's, four miles from Vienna, Madison County, State of Alabama, I was aroused from sleep by Henry Stephens, who called my name. When I raised up in bed, I saw it was surrounded by men in disguise, faces masked, and persons covered with black gowns, having pistols in their hands pointed towards my body. Three were there at first and two more came in my room. One of them said they had come to see me, speaking evidently in an unnatural tone of voice. One told Mr. Henry Stephens to get my saddle-bags, when Mr. Stephens told one of his daughters to get them. Whereupon one of the disguised men followed after her, pointing his pistol at her, which, she seeing, turned back, and refused to go. Henry Stephens then went for them, followed by the man, who pointed a pistol at him. When Mr. Henry Stephens returned, his daughter, Miss Nancy, caught one of the men by the arm, saying, "Father, this one is Mr. John, I think, but Van I am sure." Thereupon two of the men pointed their pistols at her, saying, "Hush; John Van is not in the crowd." One had left the

room in the mean time, while two were examinining my saddle-bags. They took out of my saddle-bags two pistols and some papers, and these two men said to Mr. Henry Stephens they would hold him responsible for anything that was said by him or his family. Another one had gone out, leaving three in the room. During all this time one of them kept a pistol pointed at me. They then came all toward me, saying, "You must go with us." pointing their pistols at me. Mr. Stephens said, "Do not hurt him. I have found out, on inquiry, that he is a gentleman; if it had not been so I would not have entertained him." One of them said, "We will bring him back to stay all night with you." They drove me out before them, threatening to shoot me if I did not go along quietly. When we got to the gate, they led out seven horses, covered with white covers, to the road by me. Five got on their horses, two walking in front and making me go before them. When we had gone about two hundred yards or more, they had what they called a trial, charging me with being in favor of negro equality, of being hired by the United States Government to preach to the negroes, and that I had not been loyal to the Southern States during the war; that my connections were tories to the South. Then they held a consultation, and one said, "He is head leader of the Northern Methodist Church;" he had known me for sixteen or seventeen years; I had a great deal of influence where I lived. He thought it best to kill me, and get me out of the way. Another said, "Colonel, if you think it best, we will do it." I think that the one called colonel to be Colonel James Sheffield, as I recognized him by his voice, size, and from the statements he had made there. After leaving Mr. Henry Stephens, they spoke in their natural tones of voice. One then said, "You are a man under bad character." I replied, "My neighbors would not say that." One said, "Who are your neighbors?" I called over the names of several, when one said to another in a low tone, "God damn him, they are the very ones who first reported him to us." Then one said, "Sir, one of your neighbors is here; we will call him up, and let him tell your character." One then left, returning with another disguised man, and the man said I was a traitor. When he came up, these men said, "There is your neighbor," but did not mention his name. I think his name is Dr. Dean. I knew him by his size, voice, and shape, he being hump-shouldered, as he had been practicing in my family. Then one of them said, "Sir, if you had taken the advice we gave you last Sabbath, you would have saved your life." They snapped their pistols at me. One said, "He may be a good man; do not kill him; whip him." One cut a stick, a hickory, and ordered me to take my coat off, which I refused to do. He then struck me twice with the stick, and caught me, pulling off my coat. One said I was so stubborn, "we ought to beat him to death." Another said, "Go and bring Parson Phelps." On the parson coming, they said, "Parson, we decided upon killing this man," but that as they concluded I was a good man, it would be wrong to kill me, but I should be whipped. The parson said for them to give me forty licks with a club. They replied, "If you say so we will do it." The parson said, "Go ahead, I will count the licks." Then they commenced hitting me with the stick. I defended my head by throwing up my arms. I do not know how many times they hit me. The parson at last told them to stop, and the one who had beat me said, "I gave him that for you; now this one for *me*," hitting me over the shoulders. One of the strokes with the stick hit me on the right side, above the forehead, breaking the bone and knocking me down on my knees. Then another man said to one who was on a horse to give him —— the name I did not hear. He received it, and struck at me with it. I grasped at it with my right hand, but the blow was given with such force I could not resist it. It struck me on the breast and stomach, knocking me backward some distance, and from the blow I am injured internally very seriously. They then said if I did not start home at daylight, if what they had given me did not kill me, they would then kill me, and that my quarterly meeting should not be held, for they intended to kill my elder, Rev. A. B. Lakin, so he could not hold it; that I must preach for the Methodist Church South; work for my family weeks; (that they lived as close to my home as they did here, and that they inhabited the moon;) they would kill me. They then started as if to leave me, but returned and told me they wanted me to understand that no Methodist church could exist south of Mason and Dixon's line but the Methodist Church South. They asked if I wanted them to go with me back to the house with me; I replied, "You can do as you please." They then said, "We will kill you if you do not acknowledge that what we have done is perfectly right." I replied, "Christ has decided that offenses must needs come, but woe unto them by whom they come." They left cursing, saying, "You have preached your last sermon." I got back to the house with much difficulty and great pain, suffering from the treatment and whipping they gave me, reaching there ten minutes of 1 o'clock; a fine rain falling all the time. I left the family next morning for my home, about sunrise, and, after riding about seven or eight miles on the road to Guntersville, I saw a man walking ahead of me; before I got to him, he turned to the left, and went to the woods. After I had passed him I heard the report of a gun or a pistol on that side of the road, and another one on the same side; then a shot on the right—the bullets of the two latter passing close by me.

I reached home that day, and suffered so much from the maltreatment I had received

I was compelled to remain in bed on Thursday and Friday. On Friday night I heard the steps of horses and men walking; it was so dark I could not see them. They were there about half an hour, around my house. I left my home on Saturday morning, though suffering intensely, for I was afraid to stay there any longer. I was gone from home three days, compelled to lay down nearly all the time. On my arrival, my wife told me that the men had been there one night while I was absent.

I further swear that Mr. Samuel Wallace came to my house and told me that Colonel James Sheffield and Rash Furgerson had sent him to tell me that they wanted me to go to Colonel Sheffield's, and that they would satisfy me if I would not do anything more in this case, and would not cross the river again. I did not go, fearing it might be a trap to catch me, and do me more injury.

I have been told repeatedly by my friends that it would not be safe for me to remain there, and I have not been back since they beat me. I have not been able to attend to my duties, as I have not recovered sufficiently from injuries received on the 11th of May, 1869, even if my life was not in danger there.

MOSES B. SULLIVAN.

Subscribed and sworn to before me, this 18th day of August, 1869, and I certify that the foregoing declaration was carefully read to him before signing.

LEWIS M. DOUGLASS,
Judge of Probate.

B.

STATE OF ALABAMA, *Madison County, ss:*

On this 29th day of May, A. D. 1871, personally appeared before me, James H. Bone, clerk of the circuit court in and for the county and State aforesaid, George Taylor, resident of Madison County, late of Colbert County, State of Alabama, who, being duly sworn, deposes and says that in January, 1869, he was living with Mr. George Duncan, near Cherokee, Colbert County, Alabama, where he had lived ten years before; about the middle of the month, about 2 o'clock at night, he was aroused from sleep by some persons breaking down the door of his house; after the door was broken down some six men, dressed in disguise, their heads covered with a white-cloth sack, and their bodies with black gowns; these men came to my bed where I was, and took me up and carried me out of the house from my wife; they took me about fifty or sixty yards, and laid me down on my back, but I fought them so they turned me on my face and stretched my arms and legs out, a man holding each. When I came out of the house I saw some more of these men. I counted twelve in all. While in this position these men whipped me, first one and then another, relieving each other. They hit me about five hundred times. They also struck me on the head with a pistol two or three times. They told me not to move or grunt or halloo; and I held my breath, and did not move when they hit me. When they shook me and I did not move, they stuck me with some sharp instrument in back, legs, and rump; all over these parts they stuck their knives. Then they raised me up, and one said, "He is dead." He then rubbed his hands over my face. I could not hold my breath any longer. And then they all pointed their pistols at my head, and said, "You must leave this county by Monday night." One of them said he could not get away; he cannot get ready by Monday night. Then they said they would give me until Tuesday. This occurred on a Saturday night, and if I was found there after that I would go up. On Tuesday night I left, leaving everything, and lost my labor.

his
GEORGE + TAYLOR.
mark.

Witness:
JOHN H. WAGER.

Sworn to and subscribed before me this 29th day of May, 1871; and I hereby certify that the foregoing affidavit was carefully read over by me to the affiant before he signed and made oath to the same.

JAMES H. BONE, *Clerk.*

C.

STATE OF ALABAMA, *County of Madison, ss:*

On this 27th of October, 1869, personally appeared before me, a clerk of the circuit court, Eliza Jane Blair, late resident on Mr. John Floyd's plantation, Limestone County, State of Alabama, but now resident of Madison County, State of Alabama, who, being

duly sworn, deposes and says she was asleep in the same house with her brother, William Blair, on the night of — December, 1868; was aroused from sleep by some one breaking open the door, and I saw two men, who came into the house; they went to her brother's bed, caught him by the arm, and told him to come along with them. I know these men to be Dick Hines and Ruff Wray; he not moving, Ruff Wray hit him over the head with a pistol, saying, "Get up, God damn you." They pulled him out of the house; I followed him out of the house, and saw him surrounded by Poney and Burt Hines, Bell Northen, Dave Triend Hugh, George Cute and Sim Hudson, Jim Henry Cox; these men all had over their persons white gowns, but their faces were not masked, and I was able to recognize them all; they beat him with their pistols, and dragged him off some distance from the house; I did not see them after they went over the hill. I further swear that, about an hour afterward, I heard a noise, and my sister went out of the house to see what caused it; she came back, carrying in her arms my brother, William Blair; I saw his clothes were covered with blood, and I examined and found his back, arms, and legs were all cut open, first one way and then across; the bottom of his feet were cut open, his thighes, and calves of his legs were split open, and deep gashes cut across them again. Since then he has not been able to do any work, being almost constantly in bed, and under the care of the doctor. These men came back to the house before my brother had returned, and said that if Gus Blair and his family did not leave, they would kill all his family, and burn every house up on the place.

her
ELIZA JANE + BLAIR.
mark.

Witnesses:
JUSTIN ROUGHE.
JOHN H. WAGER.

Sworn and subscribed to before me this 27th day of October 1869; and I hereby certify that the foregoing was carefully read to the affiant before she signed her name by making her mark.

JAS. H. BONE,
Clerk Circuit Court.

D.

State of Alabama, County of Madison, ss:

On this 4th day of August, 1869, personally appeared before me, a clerk of the circuit court in and for the county and State aforesaid, Mary Campbell, of the county of Madison, State of Alabama, who, being duly sworn, deposes and says that on Saturday night, the 24th day of July, 1869, while she and her husband, William Campbell, were asleep in their bed in a house on the plantation of Mr. James Sanford, we were aroused from sleep by the report of a pistol-shot, and I saw that my husband had been shot in the left side; I saw the blood running out of his side; it ran on my clothes; he cried out, "O Lord!" and I saw six or seven men in the room around our bed, which was on the floor; they had their faces covered over with black masks, and their bodies were covered with black gowns; these men said, "You are the damn rascal who has been keeping up all the fuss in the cove," and one of them reached around me and shot my husband in the side of the head with a pistol-ball; they told my husband to go out of the room, saying, "Go out of this room, God damn you; you are the one that has been keeping up all the fuss in the cove;" he went out with them, and leaned up against the fence, and I saw and heard some three or four of them shoot at him; he was hit in the small of his back by one of the shots; he fell on the ground, and the men shot at him again while he was lying on the ground; I saw some others outside of the yard, about three or four that I could see; after they fired the last shot, one of them said, "Come, let's go," and they left; I helped to carry my husband into the house, and found that he had been shot some six times; he died in about an hour after he was shot; I am about seven months with child; I could not tell any of the men.

I further swear that about three weeks before that, on a Sunday morning, Mr. James Sanford came down to our house; I was not there when he first came in; was at my brother's, below it, and I saw he had a pistol in his hand; then I went to my house; my husband was sitting in a chair, but sat leaning against the house near the door; Mr. James Sanford was leaning against the fence around the grounds on which our house is situated; he had in his hands a pistol, resting on the fence pointed toward my husband; he accused my husband of stealing his chickens, which my husband denied doing; Mr. James Sanford wanted him to pay for the chickens; my husband refused to do so; then Mr. James Sanford said if he did not he would shoot his black infernal heart out of him; he continued to curse and abuse my husband. When I got to my house I sat down in the doorway, and my child was by my side; Mr James Sanford told me to take my child away from there; that he did not want to shoot the child;

I took my child in the house; then my husband told him he would come to town, and report him for saying he would take his life, and for drawing his pistol over him; Mr. James Sanford said if he did come here and report it, he would have to leave the county; Mr. Sanford left for his house; my husband left our house Sunday evening for town to report what Mr. Sanford said.

her
MARY + CAMPBELL.
mark.

Witness:
JOHN LEE ROGERS.
JOHN H. WAGER.

Sworn and subscribed to before me this 4th day of January, A. D. 1869.
JAS. H. BONE,
Clerk Circuit Court.

I hereby certify that the foregoing affidavit was carefully read to the affiant before she signed her name by making her mark.
JAS. H. BONE,
Clerk Circuit Court.

E.

STATE OF ALABAMA, *County of Madison:*

On the 13th day of September, 1869, personally appeared before me, John Lee Rogers notary public in and for the county and State aforesaid, Prior Turner, resident of Giles County, Tennessee, formerly of Huntsville, Madison County, Alabama, who, being duly sworn, deposes and says that on the night of 13th day of March, 1869, while I was resting and waiting for my supper in the house of Rufus White, at Madison Station, on the Memphis and Charleston Railroad, in Madison County, State of Alabama, I was aroused from sleep by two men, who, pointing their pistols at me, ordered me to go with them out of the house, which I did; as soon as I reached the door I ran away from them; whereupon they fired four shots at me, one hitting me in my right shoulder, causing a severe wound, and another hitting my coat on the right side above the hip-bone. I have had two men arrested, but could not make my case good against them. Since then I have called on the solicitor (Mr. William Weeden) of Madison County, State of Alabama, five times, to bring suit against the said county, as the law requires. On each and every application he has refused point-blank to do so, saying, the first time, it was the law, but the law was not worth a damn, and I could not recover anything. The second time he said he would not do it, and bear the responsibility of collecting money from the county for acts done by disguised men; that I must get some one or two lawyers to bring the suit; that they must write the papers; he would neither write them nor plead the case: the same the third and fourth time; and again, on this 13th day of September, 1868, I called on him, asking whether he would bring the suit; he replied he would not do it; the law did not require him to do it; that if I had been killed, the law required him to bring it for my widow, but not for me.

his
PRIOR + TURNER.
mark.

Witness:
JUSTIN ROUAGHE.
H. N. ROBERTS.
JOHN H. WAGER.

At the same time and place personally appeared before me, this 13th day of September, 1869, Calvin East, resident of Madison County, State of Alabama, who, being duly sworn, deposes and says that he accompanied Prior Turner to the office of the solicitor of Madison County, Alabama, Mr. William Weeden. When we reached there Prior Turner asked Mr. Weeden whether he was going to bring suit against the county for him for what the disguised men had done to him. Mr. Weeden said he would not do it; that Prior Turner must get one or two lawyers to write the papers and plead the case, then he would go on; that the law did not require him to do it; only, if Prior had been killed, it required him to bring suit for his widow. This was said on the 13th September, 1869.

his
CALVIN + EAST.
mark.

Witness:
JUSTIN ROAUGHE.
H. N. ROBERTS.
JOHN H. WAGER.

Sworn to and subscribed before me this 13th day of September, 1869; and I hereby

certify that the foregoing affidavits were carefully read to the affiants before they signed their names by making their marks.

JOHN LEE ROGERS,
Notary Public and ex officio Justice of the Peace.

F.

STATE OF ALABAMA, *County of Madison:*

On this 16th day of May, 1870, personally appeared before me, a clerk of the circuit court in and for the county and State aforesaid, Simon Bush, late a resident on Mr. James Gardner's plantation, two miles southeast from Whitesburg Ferry, Morgan County, State of Alabama, who, being duly sworn, deposes and says: That on the night of the 13th of May, 1870, (which was Friday night,) I was aroused from sleep by hearing the dogs bark. I got up to the door, opened it, and saw eleven men at the fence; some of them pulling it down. I saw they were disguised, with white sheets on their horses and masks on their faces, and gowns on their bodies, different colors. I shut the door, and looked through the holes between the logs. I saw five of these men going down to the house in which Hezekiah Bush lived; then some one hit on my door, and a voice said, "Make up a light." I did so. They said, "Make it up damn quick." They said, "Open the door." I said, "Who is there?" They said, "God damn you, open the door." I then opened it, and three of these men came in the house, two of them punching me in the breast and stomach with guns in their hands. They told me "to get my gun." I said, "I did not have any." They said, "I was a damn liar." I said, I had sold mine to brother John. They said, "What did you do with the one Mr. Waris sold to you?" I said, "That is the one I sold to John." They told me to get my pistol, and I replied I did not have any; then one of them ran to my bed, pulling the covers off my wife and child, saying, "Who is here? O, it is only a damn woman and child." Then they made me go out of the house with them, and up the road south from the house to where the other of these men were. One of these men who came into my house said, "We came from hell before to make you behave, and you did tolerably well after we went back, but now you have got to behaving bad. We have come back again to make you behave right." One said, "Who are you working for?" I said, "I am working Reed Bell's land." He said, "God damn you, that is not what I asked you; are you not working for yourself?" Then they told me to go down the road to the end of this lane. I started. One said, "We are going on the road to hell with you." One of these men was hitting me all the time with rod out of his gun, and when we got to the end of the lane, he said, "Say your prayers, or I will shoot you; say them loud, so I can hear them." I said, "Lord, have mercy on me." He hit me with his gun-rod, saying, "Do you believe in the Lord?" I said, "Yes, sir." Then the others came up, and two with sticks they had just cut from the bushes. The man who had been beating me with the gun-rod told me lay down on the ground, on my face. I laid down, and he stood on my feet, and one of those who had the horses sat on my head, and two began to beat me with sticks. I struggled and tried to get away. The man who was sitting on my head said, "Keep still." I tried to defend myself from the blows with my left hand. One of them caught hold of it, and I got loose. Then the man who had been sitting on my head said, "God damn him, I can keep him still." He kicked me then on my stomach, and one of them said, "You kick him too hard." He said, "No; get up from there, God damn you." He told me to get up. I said, "I cannot." He asked one of the others to give him a gun, which he took and pointed at me; then said, "Get up, or I will shoot you." I got up on my feet. He said, "Take the road and go to the house, and quit saucing white people." I said I had not sauced white people. One of those who had the sticks ran up to me, hitting me, two licks, saying, "You are a damn liar; do not say it any more, or I will kill you, dead," and told me to take the road and go to the house; "run every step there, and stay until morning, and go to your work, and when you hear us coming, do not get up and open your door until you hear us call."

I do not know any of these persons to a certainty, but from what they said I believe they are the people from the neighborhood. There are some white men working on this plantation, who come there on Monday morning and leave Saturday nights. Those men left Friday evening on the same road these disguised came on to my house, and on Saturday morning I heard a crowd of horses going the same road. This was before day, and after daylight I saw these white men come down the same road to their work.

his
SIMON + BUSH.
mark.

Witness:
J. H. GILL.
JAS. H. WARE.

Sworn to and subscribed before me this 16th day of May, 1870, and I hereby certify

that I have read over this affidavit to the affiant before he signed the same by making his mark to the same.

JAMES H. BONE,
Circuit Court Clerk.

STATE OF ALABAMA, *Madison County:*

On this 16th day of May, 1870, personally appeared before me, a clerk of the circuit court in and for the county and State aforesaid, Hezekiah Bush, late a resident on the plantation owned by Mr. James Gardner, two miles southeast from the Whitesburg Ferry, Morgan County, who, being duly sworn, deposes and says that between the hours of 12 and and 1 o'clock on Friday night, the 13th of May, I was asleep in my house on the said plantation; I was aroused from sleep by hearing my dog barking furiously; then I heard a voice calling me by name; I asked who was there; the voice replied Nelson, whom I knew to be a neighbor. I got out of bed and opened the door, and saw this man Nelson standing at the left-hand side of the door of my house; also five other persons with disguises on, white hoods over their heads and dark gowns over the other parts of their persons. In evidently a disguised voice, one of these persons said to me, "Where are your guns and pistols?" I replied that my gun was in the house and pistol was in Huntsville. He replied, "Fetch your gun out." I got it, and gave it to him. He said, "What do you do with this?" I replied I only shoot squirrels once in a while. He turned to the others, saying had not this gun better be shot off? They replied, yes. He said to me, "Come out here and shoot it off." I tried, but could not get it to go off. He then said give it to him, which I did; he then stepped back, and taking it in both hands struck me over the head with it, which blow knocked me up against the house, when he said something to one of these other disguised men which I could not hear. The man he spoke to took out from under his gown a cow-hide whip, with which he hit me on my shoulders and back some ten times or more, when he gave it to another one, who hit me as many more licks, and each one of the others hit me one after the other; in all, the five men whipped me. The one who hit me with the gun was the first one to hit me with the whip. When they all had whipped me, they told me to go into my house and sleep and rest, and asked me if I ever would go hunting after squirrels again. I said no. They left me, carrying off my gun. I also saw five other men dressed in disguise on horses in a field close to the house, who I believe belonged with these men who beat me. I did not recognize any of these men, but think they are from the neighborhood. The man I live with, Mr. Gardner, and John Reed Bell, left the plantation that day, Mr. Gardner saying he was going to see his mother, who lived on the north side of the Tennessee River. On my getting into the house I found there this man Nelson. He had on only his shirt and drawers. He said these men had made him go with them; that he was nearly frozen, and wanted me to give him a pair of pants. Both of us were so worried and frightened we did not talk any about the doings of these men. I gave him the pants, and he left at once for his home.

his
HEZEKIAH + BUSH.
mark.

Witness:
J. H. GILL,
JOHN H. WAGER.

Sworn to and subscribed before me this 16th day of May, 1871, and I hereby certify that the foregoing affidavit was carefully read over to the affiant before he signed the same by making his mark.

JAMES H. BONE,
Clerk Circuit Court.

I, Hezekiah Bush, further state that about the middle of April Mr. James Gardner came to my house in the evening, and said I had taken more cotton seed than belonged to me, and turning to my wife, Adeline, he said, "I want you to send those clothes of mine back to the house." She said, "They are all wet, and out on the line." "It makes no difference; you send them." She said, "All I want is you to square up for what I have done." He said, "If you talk about squaring up, I will kill you." She replied that she expected he would have to kill her. Then he went into the house. I heard him say, "You can take your choice either to shut up, or I will kill you." I was on the fence at this time. He then came out of the house. I went in the house, and found her sitting down with her head in her hands and the blood running from two wounds on her head, one on the left side of the forehead over the eye, the other side of the head behind right ear. She said that James Gardner had hit her with a pistol. We were afraid to have him arrested, for I heard he said any negro who had him arrested he would kill.

his
HEZEKIAH + BUSH.
mark.

Witness:
JOHN H. WAGER.

G.

[From Huntsville Daily Democrat, Thursday, November 10, 1868.]

SHOOTING INTO A DWELLING.—On Tuesday night, about 8½ o'clock, some twelve or fifteen buckshot were fired from a double-barreled shot-gun, or a musket, into the dwelling (known as the Saroni house) occupied by Probate Judge Douglass and family, Circuit Clerk Bone and family, A. S. Lakin, appointed president of the State University, A. W. Smith, justice and notary, and possibly some others of the radical "new-comers" or carpet-baggers. The shot were fired into the bed-room of Parson Lakin, where he, his wife and daughter, and Rains, a clerk of the Freedman's Bureau, were sitting. One of the upper panes of the upper sash of the bow-window was broken, and the shot passed through the window-curtain and over the heads of the occupants, and struck the ceiling and two walls of the room. It is believed the person who shot was standing near the middle of the street fronting the house, as the paper wadding, blackened with powder, was found between the middle of the street and the pavement fronting the lot. The shooter must have been a very bad marksman, or he only intended to frighten and not to kill; otherwise he would have shot through the lower sash. Again, if his object was to kill, he showed bad judgment or cowardice in not getting nearer the house. He exploded two or three caps before his gun went off, which were heard by inmates of the house and one or more of the neighbors.

Mr. Lakin says a negro boy, who was in the back yard, stated that after the gun fired he saw a man run from the southern side of the house and hand something (a gun, the boy thought) to a man standing in the street, and then jump over the fence into the street, and both run off.

The fact that the occupants of the house are obnoxious to the community furnishes no excuse for such outrageous, lawless conduct. All good citizens must condemn it, and all should endeavor to prevent a repetition of it. The whole community suffers in reputation, and in all its moral and material interests, when such violations of human and divine law occur, and human life is apparently regarded as a cheap thing, and taken or threatened with impunity.

WASHINGTON, *June* 14, 1871.

Rev. A. S. LAKIN recalled and examined.

By the CHAIRMAN:

Question. You have expressed a wish to me to make an explanation of a statement which you gave in your testimony yesterday regarding the courts of Alabama. You may now go on and make whatever explanation you wish on that subject.

Answer. I wish to say this: I intended, in what I said, no reflection upon the judges of the courts. I am not a lawyer; but on mature reflection I am of the opinion that, in legal parlance, what is meant by the term "court" is the presiding judge. I had no intention of casting any reflection upon the judges of the courts. I know most of the judges in Alabama, and am very intimate with some of them. I regard them as above suspicion, men of fine legal abilities, and I know the earnest and persevering efforts they have made to bring criminals to justice. My remark was based upon this fact: That in regard to all of the murders and outrages that I have known in Northern Alabama I have not known of one person brought to justice and punished. The judges have delivered very able and pointed charges to the grand juries, but somehow criminals have slipped through the courts unwhipped of justice. When I said that our courts were a farce I had no reference whatever to the judges; I simply meant that there was a system of influences, or something of that sort, which has enabled criminals to escape unwhipped of justice; that is my meaning exactly.

Question. That is the explanation you wish to make?

Answer. Yes, sir.

By Mr. VAN TRUMP:

Question. How many cases do you know where crimes have been openly committed, where the perpetrators of those crimes are known, and they have failed to be prosecuted in Alabama; in other words, do not your remarks in regard to the inefficiency of the courts there relate to the fact that the perpetrators of these crimes and abuses of the law cannot be ascertained?

Answer. Many of them have been arrested and brought before the courts; but they have been bailed and have slipped out.

Question. Please mention the instances and the localities in Alabama where that state of things has occurred.

Answer. There is no exception to the general rule.

Question. Is that your answer?

Answer. That is my answer.

Question. Well, then, please state the cases of the character I have indicated to you where the courts have failed to prosecute. You say there is no exception; name the cases and the counties in which they occurred.

Answer. So far as I know, they have all failed.

Question. I want to see what particular instances you recollect where they have failed. You say they have all failed. I do not expect that there are a very large number of cases which you will be able to state; but state some of them.

Answer. I have not charged my mind with names and with dates.

Question. Name the counties, then. That is more accessible as a general proposition.

Answer. I reside in Madison County.

Question. Well, how many of that sort do you know in Madison?

Answer. I know of frequent murders there.

Question. Secret murders or public, known murders?

Answer. Generally known as murders committed by disguised men.

Question. Those disguised men were unknown, I suppose?

Answer. In some instances, and in other counties, many of them have been arrested and brought before the courts.

Question. Name any of the parties in your own county of Madison who have been arrested.

Answer. I do not know that I could give you the names.

Question. How long have you lived in Madison County?

Answer. I have lived there five years and eight months, with the exception——

Question. All the time you have been in Alabama you have lived in Madison County?

Answer. With the exception of about nine or ten months, when I was absent and stopping at Montgomery. But my family has resided in the city of Huntsville ever since I located in the State.

Question. Now, in all the long period of time during which you have resided in Madison County, with the exception stated, you cannot name a single person who has been arrested for a murder who has escaped in consequence of failure of the authorities to prosecute him. Do I understand you correctly to say that?

Answer. Yes, sir; I know of some whose names were brought before the grand jury, and who were reported to have been indicted, and bail given.

Question. How long ago was it that they were indicted and bail given?

Answer. Some two years ago,

Question. Who was the prosecutor of that county?

Answer. Mr. Day.

Question. A democrat or a republican?

Answer. I do not know what his political status is.

Question. Who is the judge?

Answer. Judge Haroldson.

Question. Is he a democrat or republican?

Answer. He is a republican.

Question. Were the witnesses recognized by the court to appear after the grand jury indicted those parties?

Answer. I have not been very conversant with the courts; I have seldom ever attended them. I hear what is going on when I am in the neighborhood, and in the place: but it has never been my business to follow up the courts. I know from general information the general fact—the single fact that I have stated—that numerous murders have been committed.

Question. In Madison County?

Answer. In North Alabama; several in Madison County; and I have never known or heard of an instance of conviction and punishment.

Question. That being the general fact, as you state, that you have heard of several murders in Madison County, and never have known a prosecution successfully carried on to conviction or acquittal, you therefore infer that there is some inefficiency in the administration of the law there; is that the state of your mind?

Answer. Yes, sir.

Question. And you cannot recollect a single instance of a murder committed there, either secret or public, where the parties were arrested, and there has been a failure to prosecute?

Answer. I do not know any such instance; I have no personal knowledge.

Question. I am asking you now about your opinion?

Answer. The general opinion is that no man has been convicted and punished.

Question. That is the general idea you have got?

Answer. That is the general idea.

Question. You have had a night's rest, and probably have been thinking over the testimony you gave yesterday; have you been trying to tax your memory in order to recollect some of those prominent men—democrats—you met in traveling your circuit there, who told you of the existence, or the proposed formation, of the Ku-Klux Klan?

Answer. They did not name the Ku-Klux Klan.

Question. Well, they described it as you stated; they did not give it a name, but they described what you understood afterward to be the Ku-Klux?

Answer. I have not taxed my mind in that direction.

Question. Will you please do so now?

Answer. I do not know that I could give you a name.

Question. You say these men knew you were a northern Methodist preacher?

Answer. No, sir; they did not know that.

Question. I understood you to say that they understood you were a traveling preacher?

Answer. Yes; but I did not name of what denomination; I said that I was a Methodist preacher.

Question. You stated that?

Answer. Yes, sir.

Question. Did they not ask you whether you belonged to the Methodist Church South or North?

Answer. No, sir.

Question. They made no inquiry of that sort?

Answer. No, sir.

Question. Did you not know that they knew, some way or other, that you were a northern man, and a preacher of the Methodist Episcopal Church?

Answer. They may have detected it from my conversation.

Question. At any rate, you informed them that you were a Methodist Episcopal preacher?

Answer. Yes, sir.

Question. And they did not inquire whether you belonged to their side or the northern side?

Answer. No, sir.

Question. And of these dozen prominent democrats you do not now recollect the name of one?

Answer. No, sir.

Question. Have you ever met them since?

Answer. No, sir.

Question. You have traveled in the same neighborhood since?

Answer. No, sir; not in the direction of those persons with whom I put up at that time. That was in a section of the State not included in my district since, and I have not traveled through that part of it.

Question. Have you ever heard of those men since?

Answer. Not that I know of.

Question. You never heard their names mentioned by anybody?

Answer. I do not know that I have.

By Mr. BLAIR:

Question. You spoke of a man by the name of James Dorman, who was from Wetumpka, who was whipped and run off in 1870?

Answer. Yes, sir.

Question. Was he a preacher?

Answer. Yes, sir; he was a member of the Alabama conference, and has been for several years.

Question. Did you know him personally?

Answer. I knew him personally and intimately.

Question. What is the character of the man?

Answer. He is a very quiet, patient, peaceable man, so far as ever I have known. He traveled under me one year. He is a man of irreproachable character, and of a very mild, quiet disposition.

Question. He is a man of good character, you say?

Answer. Yes, sir.

Question. Was he badly beaten?

Answer. From his own statement in the paper, and from the report of his presiding elder in a private letter to me, I learned that he was badly beaten.

Question. By disguised men?

Answer. I do not know whether they were disguised or not.

Question. Was there a number of men engaged in the outrage?

Answer. I think there were about nine; I think he so stated in his publication of it.

Question. Where did that occur?

Answer. It occurred in Tallapoosa County, on the Tallapoosa River, near the factory of Tallacy.

Question. Did he know any of the parties who were engaged in committing the outrage upon him?

Answer. I have not seen him since that.

Question. You say you had an account of it in some way from his presiding elder?

Answer. Yes, sir.

Question. Did he not state by whom it was done?

Answer. No, sir; but I judged from the letter which I received from his presiding elder that the parties were recognized by him from the fact that they were arrested and had an examination, and the presiding elder was present at that examination. I presume the parties were recognized and arrested.

Question. Did the presiding elder give you any account of the result of that inquisition?

Answer. No, sir; he left the trial before any verdict was rendered, and I have not since heard what the result was.

Question. How many persons were arrested; did he tell you?

Answer. He did not say.

Question. You spoke yesterday of three negroes who were hung on the bridge at Tuscumbia, among whom was a man by the name of Johnson, a leading colored man there.

Answer. Yes, sir.

Question. Do you know the crime for which they were hung; what was the allegation, if any, against them?

Answer. They were suspected, so it was reported, of a conspiracy to burn the town; that statement was made in palliation.

Question. Do you know whether the burning actually took place, or whether any part of the town was burned?

Answer. No part of the town was burned or fired, and no effort that was known by any one was made on their part to fire the town.

Question. Do you not know the fact to be that they were hung for burning the female school building?

Answer. In Tuscumbia?

Question. Yes.

Answer. No, sir; I do not know that fact.

Question. Do you not know the fact to be that the large school building there was burned?

Answer. No, sir, I do not know the fact that it was burned at that time; if it was burned at any time, I have no knowledge of it.

By Mr. POOL:

Question. How long do you say you have lived in Madison County?

Answer. Five years and eight months; that is, my family have lived there all that time; part of one year I was absent in Montgomery, but my family have resided in Huntsville ever since I entered the State.

Question. How long have you resided there yourself?

Answer. All of that time, with the exception of some eight or nine months.

Question. Have there been any murders committed in the country other than those committed by disguised men or bands of men; any such murders as are ordinarily committed in other communities in the North?

Answer. I do not know of an instance; I do not remember an instance.

Question. You do not remember an instance of a murder committed in that county during that time except by disguised men, or men in bands?

Answer. No, sir.

Question. Then, of course, there could have been no conviction for such a murder. You stated that there was no conviction for such murders; and if they have not occurred, there could have been no conviction. Has there been any laxness in prosecuting men for ordinary crimes, such as thefts, assault and batteries, &c., in the courts of the county?

Answer. I should think there has been; I think the ordinary amount of arrests and convictions and punishments ——

Question. Have occurred for ordinary crimes?

Answer. Yes, sir.

Question. Then you did not understand my question. What I meant was, has there been any remissness in the courts in punishing ordinary crimes outside of the political crimes?

Answer. I do not know that there has been; I have not heard of any complaint in that regard.

Question. Then, when you say that the courts have been remiss in enforcing the laws, you mean to be understood as applying that remark to that class of crimes commonly known as Ku-Klux offenses?

Answer. That is my meaning.

Question. Not as to others?

Answer. No, sir, not as to others, nor as to civil suits.

Question. Are colored men prosecuted for crimes which they commit?

Answer. Yes, sir.

Question. Have there been any large number of instances of prosecution against them?

Answer. I should think there had been quite a number.

Question. Are ordinary offenses against colored men, such as assault and battery upon them, and offenses against their property, prosecuted in the courts with any vigor?

Answer. I should think so, about ordinarily.

Question. You mean then to apply your remark only to the class of crimes commonly called Ku-Klux crimes.

Answer. Yes, sir.

Question. Do you know whether it is the habit of these Ku-Klux—denominating them by that general name—to allege crimes against men whom they mean to attack; to put out false reports against them?

Answer. The colored people claim that, but whether it is true or false I do not know.

Question. You hear that sentiment expressed by the colored people?

Answer. Yes, sir; that is the pretext.

Question. That when they mean to attack a man they first begin to accuse him of something falsely?

Answer. Yes, sir.

Question. Have any of your preachers been thus accused and slandered?

Answer. No, sir, not that I have known of.

Question. You have not heard of them?

Answer. No, sir.

By Mr. STEVENSON:

Question. In regard to this extensive journey of which you spoke, which you made in 1867, I believe you did not state fully why you made it or how you made it. Why was not that business done by the ordinary communications through the mails?

Answer. It was a time of great excitement and great confusion, about the time of the adoption of the State constitution. The mails were obstructed, and it was next to impossible to get any communication through the mails to our preachers. If drafts were forwarded in many instances, or in several instances, they were abstracted, and the money lost, or our preachers were subjected to great trouble. No money could be received by them without a tabular report from each presiding elder in regard to his district. I was sent out on a roving commission, with the moneys of the conference, to distribute it to the presiding elders if they could be found, or to the preachers if the presiding elders could not be found. Hence I traveled widespread, zigzag, over the State.

Question. How did you go?

Answer. I dressed in very plain costume—the costume of the country—and rode a mule. My appearance was not very prepossessing as I traveled through the country.

Question. You did not travel then openly, except to those you had business with; that is, not openly in your capacity as a minister of the Methodist Episcopal Church?

Answer. I traveled only to those points where duty called me, and did not appear in the character of a minister, except that, where I staid at night, I represented myself as a minister of the gospel.

Question. What was your dress?

Answer. Common jeans.

Question. The domestic jeans of the country there?

Answer. Yes, sir.

Question. And you rode a mule?

Answer. Yes, sir.

Question. What kind of a hat did you wear?

Answer. A soft slouch hat.

Question. With a wide brim?

Answer. Yes, sir.

Question. You have spoken of an apprehension, on the part of persons, of danger in informing against the Ku-Klux. Do you know of any instance where persons have been punished by the Ku-Klux for any information they have given them?

Answer. There was a case; it must have been one of credibility, though I did not know it myself; I did not see the parties; I did not know anything about it; but traveling through the country I heard it from various points that persons were in danger, and that in the case of almost every whipping they were threatened with summary punishment or hanging, if they reported their being whipped.

Question. You say there was one case; what was that case?

Answer. A lady in Blount County was whipped very severely, and the cause reported was, that she had informed of persons whom she saw dressing in Ku-Klux disguise, had named the parties, and they beat her on that account.

By Mr. BLAIR:

Question. What was her name?

Answer. I think her name was Mrs. Riddle.

Question. In what part of Blount County did she reside?

Answer. On Sand Mountain, in Blount County, not far from the line of Marshall County. That is my information.

By Mr. STEVENSON:

Question. Was she badly beaten; what was the effect of the whipping?

Answer. My information was this: She was thinly dressed, and they whipped her with hickory withes, and the gashes cut through the abdominal wall; and she was thrown in a ravine in a helpless condition.

Question. Did she die?

Answer. That is the report, that she died of her injuries

Question. When was that?

Answer. I think that was in the fall of 1868.

Question. Has there been, to your knowledge, any retaliation, or any attempt at retaliation, against the Ku-Klux in Alabama, especially on the part of the colored people?

Answer. Nothing that I have known personally. I learned, from what I suppose to be competent authority, that in one instance they did retaliate, and drove a man from his premises; probably burned his out-houses, or some portion of his buildings.

Question. Was that at the time when they were attacked or afterward?

Answer. Afterward.

By Mr. VAN TRUMP:

Question. Why do you say "probably they burned;" do you not know the fact whether they burned or not?

Answer. I say probably they burned; that was the report.

By Mr. STEVENSON:

Question. Burned some of his out-houses?

Answer. Yes, sir; I say "probably" because it is a report; I do not know it personally.

Question. Are not the colored people in the majority in some of the counties in Alabama?

Answer. I think not; in the town of Huntsville, I believe the census gave 7,000 as the number of inhabitants, and there is a fraction of a white majority.

Question. In Northern Alabama I suppose it may not be the case?

Answer. Did you say Southern Alabama?

Question. I spoke of Alabama generally.

Answer. I believe there is quite an excess of colored population in some of the southern counties, and in the middle belt of Alabama.

Question. Do you know why they have not attempted retaliation, or made some effort at general resistance?

Answer. I think I do. The friends of the colored people, in every instance where they have had any intimation of their design or purpose or threat to retaliate, have held them in check and advised them otherwise.

Question. Has that been the course of the Methodist Episcopal ministers there?

Answer. In all cases. I have myself in all instances urged them to industry, economy, fidelity, and especially (and that I have enforced with all my power) to courtesy and kind treatment of their old masters.

By Mr. VAN TRUMP:

Question. Have you never heard of any inflammatory or incendiary speeches being made to negroes in Alabama by white men from the North; have you never heard of such things?

Answer. I have; but I have always repudiated such things, and every honest, true man has done so, and they have predominated and held them in check.

Question. Have you heard of any negro outrages in Alabama within the time about which you have been testifying?

Answer. I have not known of any. Oh! I have known of petty thieving, and that class of misdemeanors, common to the colored people, but no outrage.

Question. Nothing more than that?

Answer. Nothing more than that.

Question. When you say you returned to Huntsville after this journey in which you had the conversation with these prominent democrats, you ascertained that there had been formed a society that corresponded with the remarks made by these men?

Answer. Yes, sir.

Question. Had you heard of any outrages committed by them at that time?

Answer. No, sir.

Question. Well, it struck you as remarkable, did it not—I think I understood you to say so—the coincidence between the remarks made by these men and the form of the Ku-Klux-Klan, which you heard of when you returned home—struck you as something remarkable; was not that a subject of remark between you and your friends there?

Answer. At the time?

Question. Yes, sir.

Answer. I do not know that I ever gave utterance to the sentiment until a number of years afterward.

Question. Never mentioned the fact?

Answer. From the fact that I kept myself very close and careful.

Question. You had private and confidential friends there—republicans, ministers, &c., had you not?

Answer. Yes, sir; but I do not know that I ever named the fact or communicated it.

Question. Why, you were not afraid to communicate that fact to those men?

Answer. No, sir; if it had occurred to me, and if it had been the subject of conversation, I do not know that I should have hesitated.

Question. You are certain now that you never talked with any body about it at that time?

Answer. Not at that time, that I have any recollection of.

Question. You have since that time?

Answer. I may have named it to a few individuals.

Question. Do you know whether you did or not?

Answer. No, sir; I do not know now that I have.

Question. How long ago was it that it took place?

Answer. In 1867.

Question. If I understood your description of the general state of affairs in Alabama, there would be as much danger in communicating these facts now as there would have been then?

Answer. When I left home the state of feeling was no better than it has been at any time since I have been there.

WASHINGTON, D. C., *June* 16, 1871.

Governor ROBERT B. LINDSAY sworn and examined.

By the CHAIRMAN:

Question. You are at present governor of Alabama?

Answer. I am.

Question. Please state the knowledge which you have, as acting executive of that State and also as a citizen of the State, of its condition, so far as it relates to the execution of the laws and the security of life and property there.

Answer. Well, sir, my information as a citizen is somewhat extensive. Prior to my election as governor I was a practicing attorney in the northern portion of the State of Alabama, my circuit extending over five or more counties. I have thus been enabled to ascertain what I conceive to be the true condition of that section of the State, particularly.

Question. What are those counties?

Answer. They are the northern tier of counties, comprising Lauderdale, Colbert, Franklin, Lawrence, Morgan, Limestone, and also Madison, where I have practiced in the Federal court. As the executive of the State of Alabama my information I conceive to be very considerable, derived from all portions of the State, not only voluntary information, but information solicited by myself from leading citizens in the different sections of the State. The peculiar condition of the country, its political condition, prompted me to make my inquiries very thorough and very general. Upon that information I am prepared to say that in regard to the security of life, person, and property, the State of Alabama to-day will compare favorably with its condition in any year or any period since its formation as a government.

By Mr. VAN TRUMP:

Question. Which government?

Answer. The government of the State of Alabama.

Question. Under the late constitution of the State?

Answer. No, sir; since 1819. I have made inquiries of the leading members of the bar, and of the oldest citizens of the State from various portions of the State, men eminent in their profession and of large and extensive practice; and they have invariably concurred with me in that regard. I will not say that the peace and good order of Alabama is Utopian, at all; that I do not mean to say. There are violations of the law

there; crimes of the most aggravated character have been committed within the limits of the State. Human wickedness is there just as it is everywhere, from the highest to the lowest grades of civilization. But when I speak as I do, I speak with regard to the entire State and the aggregate amount of crime within the State. In the portion of the State in which I live, our criminal docket will show not only fewer crimes, but marvelously few, within the last two or three years. The people of what we call the white regions of North Alabama have been less addicted to the use of liquor than they were prior to the late war. There have been fewer personal feuds; there have been fewer fights; fewer assaults and battery; fewer murders, killings, homicides, than at any time before during the eighteen years I have practiced at the bar there.

By the CHAIRMAN:

Question. What part of Alabama do you embrace within the "white regions?"

Answer. We have three belts of Alabama. What is called the northern belt, bounded on the north by the State of Tennessee, and of a width of one hundred miles, perhaps of one hundred and twenty miles, to the southern slope of the Cumberland Mountains; that we call the mountain, or white, region of Alabama. Subsequent to the war, when the armies were disbanded, there were in the mountain regions of North Alabama many men without occupation, to a great extent lawless and—well, I do not know precisely how to express it—without any object whatever in view. And although not personally cognizant of any of the facts, yet from hearsay I have no doubt that at that time there were many outrages committed. In other words, they took the law in their own hands. When they had a personal quarrel or a personal difficulty in regard to property or anything else, they took the law into their own hands and sought their revenges in that way. That condition of things has passed away, I think; happily so for the State of Alabama. I think that peace and good will to a great extent prevail in Alabama. I think it has greatly improved, from a variety of circumstances that perhaps it would take too long to enumerate.

Question. Whatever general statement you wish to make in answer to the general question which I have put, I would prefer, and so doubtless would the other members of the committee, that you would go on and complete it before any other questions are put to you.

Answer. I can only speak in general terms. I think that for the last two or three years the supremacy of the law has been gradually growing upon the minds of the people; that lawlessness, in whatever form it now appears, is very promptly condemned by the leading and influential citizens of the country. That, I think, has had a very happy effect upon these wild, reckless, wicked men who had neither the fear of God nor man in their hearts; such men as appear in all countries. They were few, comparatively few, in Alabama, but still they existed there. I would say that no man who is an honest man need have any fear but he will have protection there, not only the protection of the law, but the moral and social protection of the people of Alabama. I will say further, that I care not where he may come from, I care not what political creed he may entertain, his industry and his energy will receive encouragement from the people of Alabama; he will be welcomed in their midst, and they will defend him as readily as they will defend one of the oldest citizens of the State. But on the other hand, neither a man who is a native, nor a man who is an immigrant into the State, who is there as a disturber of the peace, neither of them can be welcomed socially or in any other way by the people of the State of Alabama. I am not now speaking from mere theory; I am speaking from personal observation upon this subject. We have settlers in the northern section of Alabama of all political parties and from every State in the Union; we have active republicans, and we have active democrats; they are men of industry; they brought means with them, they are men of families, and I have never heard of a hair of the head of one of them, although a republican, being touched. I have seen them come into court, at my request, and go the bail of colored men who were working for them; there was no objection to it; they were rather commended for it. There are men, however, who have come there, and the very moment they set their feet upon the soil they became disturbers of the peace. Those men received no countenance whatever; they were men without fortune, some of them without families, and they seemed to have no object in view but an expectation of being able to live upon the political changes that were going on in the country. While I say that there have been—not to my personal knowledge, but I have heard of them—occasional insults and assaults made by men upon new comers, I cannot deny them, for I have heard them, though I have never seen one personally, yet they have never, to my knowledge, received the sanction of the good part of the community, but have always received their condemnation. Those assaults and insults have been perpetrated by young men, regardless of consequences to themselves, and entirely regardless of the welfare of the communities in which they live. That condition of affairs, however, has to a great degree passed away; I may say has almost entirely passed away. I think the committee are as well aware as I am of the condition of feeling among the people immediately after the war; they were afloat to a certain extent. The committee are also aware of the

feeling that was aroused at the time of the passage by Congress of the reconstruction measure. But that has all passed away, and the people are now, both young and old, beginning to recognize a stable condition of affairs.

Question. Does that complete the general statement you desire to make?

Answer. Yes, sir; unless questions are put to me upon particular points.

Question. You think, then, that in the courts of the State of Alabama the civil rights of all persons, without regard to race or color, can be adequately protected and secure?

Answer. I do, sir.

Question. You think that in all cases of prosecution for crime justice can be administered against all offenders?

Answer. I have no hesitancy in saying that the juries of that State will render verdicts according to the law and the evidence with as much honesty and fidelity to-day as they would have done at any time in the history of the State. And I may add here that in my section of the State the colored man has been especially the recipient of care and watchfulness on the part of the circuit judges in that country.

Question. Have you any knowledge of the existence, either heretofore or at the present time, of the organization popularly known as the Ku-Klux Klan, and of the offenses alleged to have been committed by that organization?

Answer. I have no personal knowledge of any organization of Ku-Klux; I have no personal knowledge either of that order or any other organization of that character, further than the rumors that prevail with regard to them. I saw but once five disguised men; I saw them on the streets of my home.

Question. What town was that?

Answer. Tuscumbia. They passed through the town one night; they were on horses, and they rode through the streets without stopping; and that was the first and last I ever saw in disguise. That was, I think, some time in 1868; I will not be positive with regard to the year. Beyond that, personally, I have no knowledge of them. All that I know with regard to the Ku-Klux organization has been from hearsay.

Question. As you saw those men, please describe what was the appearance of their disguise?

Answer. Really I paid very little attention to them; I cared very little about them. I think they had on black gowns of some kind; it was in the night; I could not really describe them with any accuracy. I do not remember whether they had white masks or black ones. My recollection is that they were dressed in some black stuff.

Question. Were their faces masked?

Answer. My impression is that they were; but I paid very little attention to them.

Question. And they had loose gowns on their persons?

Answer. Yes, sir.

Question. Were they on horseback?

Answer. Yes, sir.

Question. Were they armed?

Answer. Not that I saw; they were at some distance from me, some thirty or forty yards. I repeat that I paid very little attention to them.

Question. Were their horses also covered with a covering?

Answer. I think not.

Question. At what time in the night did they appear?

Answer. About an hour after dark, 7 or 8 o'clock. Really we thought it was a lot of wild boys of the town, who had got themselves up in this way, and hence I paid very little attention to them.

Question. Did you hear of any violence committed at that time by persons in disguise?

Answer. No, sir.

Question. That is the only instance in which you have seen any persons in disguise?

Answer. That is the only instance.

Question. Is your information such as to satisfy you that there was an organization of that character, in that part of the State, or in any other, which did inflict chastisement or injury upon persons?

Answer. I have heard that they existed as an organization.

Question. Did you make such inquiry as to satisfy yourself whether they did or not?

Answer. Well, no; no special inquiry, further than general conversations on the streets. I never inquired of any one, I will say that I never knew any one, that I could identify as belonging to the organization. No one ever communicated to me the fact that he belonged to it.

Question. What was the result of such examination as you made, or such information as you had; did it satisfy you of the existence of such an organization?

Answer. My impression at the time was that there was an organization of some kind; what it was I did not know.

Question. What was the mode of operations of that organization, so far as your information went?

Answer. I am entirely ignorant of that. I will state here as explanatory of that, perhaps, that at a very early day, when the reports got out that there was such an organ-

ization. I took strong ground of opposition to it, publicly expressed myself against anything like a political organization. I conceived that I had to fight the same kind of fight against that organization that I had fought against Know-Nothingism in the olden times. Hence they never communicated any facts to me.

Question. I am not speaking of facts communicated to you by members of the organization, but of information derived by you in your official capacity, or as a citizen, which led to a conclusion in your own mind as to whether offenses were committed by an organization of that kind.

Answer. The general report was that the Ku-Klux of that time committed outrages.

Question. Of what character, and upon whom were they committed?

Answer. As I say, I do not know anything further about them than by general report. It was sometimes reported that they had whipped a negro; sometimes that they had whipped a white man. I think, according to the information, it was about equal as to the two races. I remember that there was a report that they had taken out a white man and whipped him. I do not know what his name was; and then there was a report that they had taken out a colored men and whipped him.

Question. How early, or at what time, did you hear reports of that character?

Answer. That was back in 1867 and 1868; I think it was in 1867.

Question. How recently have you heard of any offenses of that character being committed?

Answer. The last offense—I believe that was the last—that I heard of in my section, I defended them.

Question. When was that?

Answer. That was about two years ago. There were four colored men who disguised themselves and whipped one of their own race nearly to death. I defended them and got them off on the plea that they were ignorant of the laws of the State of Alabama with regard to Ku-Kluxism, or going in disguise; I got them off with a small fine.

Question. You refer to the district in which you practice professionally?

Answer. Yes, sir; that was all my personal knowledge of that case, that I defended them.

Question. What is the last case of that character, in point of time, of which you have heard as occurring in the State?

Answer. The last case I think was in Elmore or Coosa County.

Question. How recent was that?

Answer. About two or three months ago.

Question. In the intermediate time between 1867 and the occurrence of that case in Elmore or Coosa County, whichever it was, were there frequent reports of the occurrence of similar cases?

Answer. If you please, I would prefer to make a statement in regard to that case——

Question. Certainly; proceed.

Answer. Because I took official cognizance of it. That was the case of Isaac Dorman As governor of the State I received a notification that an outrage had been committed by Ku-Klux, or disguised men, upon this Dorman, in Elmore County. Whenever I received any reports of that kind, and I was satisfied that such things had taken place, I sent my recording secretary to investigate the matter. I sent him in this instance for the purpose of instituting an inquiry as to the real facts of the case. As the account had reached me it was somewhat horrifying, and much to be lamented by the executive of the State as by every other citizen. I have with me the report of my recording secretary upon that case; I will either state the substance of it to the committee or I will submit it to the committee for their examination.

Question. You may as well give us the substance of it, as you remember it, and we can take that report also.

Answer. The report states that Mr. Howe, an old citizen and planter, and a member of the church, had learned from one of his employés that this man Dorman was in the habit of coming to his plantation at night, stopping at the cabins of the negroes, and instilling into their minds all sorts of erroneous ideas with regard to their rights, their superiority, &c. Mr. Howe went to Dorman and requested him, when he visited his plantation, to come to his house and he would treat him as a gentleman ought to be treated. Dorman agreed to do so. Some two weeks subsquent to that, however, Dorman again came on the plantation. While he was eating supper with one of the negroes, one of the employés, a negro man, went to Mr. Howe and told him that Dorman was there, and said that if he did not come down he would not have an employé on his place. The old gentleman went down, with his two sons, the oldest about eleven years old, and found Dorman at the table. Dorman got up, with a knife in his hand, and moved towards Mr. Howe, who was at the door. Mr. Howe, with his walking cane, struck the knife from his hand, and then turned in and gave him a very good thrashing. Dorman the next morning repaired to the town of Wetumpka, made an affidavit before a justice of the peace, which is our court of inquiry there, that he had been assailed by Mr. Howe, and Ku-Kluxed by disguised men; and charged Mr. Howe and his sons with assault and battery, and also charged other citizens with being ac-

cessories, and demanded a *posse comitatus* of forty men to go with the constable to make the arrests. The constable absolutely refused to take a posse, stating that he could take all the parties named in the warrant. But, no; he must take a posse and go by a circuitous route to make the arrests. Mr. Howe came down there and an examination was instituted. It was proposed to abandon it if Mr. Howe would pay the costs. That he would not do, and insisted upon an examination. But instead of being Ku-Kluxism the court of inquiry determined it to be just as I have stated. He was bound over in the sum of $1,000. This man Dorman was a very infamous character. It was stated in the court that he was the son of a Methodist minister, and a fugitive from justice for attempting to commit a rape upon his own cousin. I mention that, not only upon the report of the court of inquiry, but upon information generally known all over that country.

Question. Was Dorman a preacher?

Answer. Yes, sir; he professed to be a preacher.

Question. Did your secretary make any examination of the parties, under oath?

Answer. No, sir; he had no authority to do so. The case was tried, however, before a court. I have another case that was sent to me by General Crawford, the commanding general of the United States forces in the State of Alabama, at Huntsville. Immediately on receiving information of that case, as was my wont, I sent my recording secretary to inquire into it.

By Mr. VAN TRUMP:

Question. Give us the date of that case.

Answer. It is dated the 27th day of March last, and indorsed "respectfully forwarded for the information of the governor." This is such a curious document that, with the permission of the committee, I will read it. It is one of the last cases of which I received any information.

By the CHAIRMAN:

Question. Before you proceed with that, you say there was a trial in the case of Dorman. Do you mean that the case went into court against Mr. Howe, and that he was tried?

Answer. Yes, sir; Mr. Howe was tried.

Question. What was the result of that trial?

Answer. I think the case was dismissed, but I am not positive in regard to that; it did not amount to anything, however.

Question. Was there any verdict in the case?

Answer. Perhaps there was a verdict for simple assault and battery.

Question. A verdict of guilty?

Answer. O, yes, sir; he did not deny it; he confessed that he had whipped him. There was no disguise about it; it was on his own plantation; the old man and his little son.

Question. Did the evidence as taken disclose the fact Dorman had been making use of any incendiary influences with the negroes?

Answer. That is my understanding.

Question. What had he done?

Answer. This paper will give it more in detail than I have done; I endeavored to speak succinctly in regard to the matter. I can read you what the report is.

Question. I only wish the general facts.

Answer. This is the report: "The said Isaac W. Dorman is employed by the Northern Methodist Church to preach to the freedmen, and in compliance with his engagements went to the plantation of Mr. J. W. Howe, without first consulting him, harangued the negroes—not upon religious topics, but advising them to arm and assert their political and social equality with the whites, stating that he was ready and willing to assist them."

Question. To arm and assert their social and political equality?

Answer. Yes, sir.

Question. Was there any allegation that he had incited them to commit any aggressions upon the whites?

Answer. All my information is from this.

Question. What is the inference?

Answer. This is all my information: I know nothing further about it than as I got it from the report of my recording secretary.

Question. And Mr. Howe denied his right to go upon his plantation and speak to the negroes upon these subjects?

Answer. He asked him to go to his own house, and he would treat him like a gentleman, and he could preach to the negroes.

Question. He refused him the right to speak with them upon other subjects?

Answer. I cannot tell; I only know from this.

By Mr. BECK:

Question. Perhaps it would be better to read the whole report

Answer. It is as follows:

"STATE OF ALABAMA, EXECUTIVE DEPARTMENT,
"*Montgomery, February* 17, 1871.

"DEAR SIR: Pursuant to instructions received from your excellency on the 15th instant, I proceeded to Elmore County, to inquire into an alleged "outrageous attack, by a band of outlaws, upon the person of Isaac W. Dorman, on Sunday, the 29th ultimo." From the testimony of many prominent citizens, comprising members of the bar, and others, the first citizens of the county, I find the following to be the facts in the case:

"The said Isaac W. Dorman is employed by the Northern Methodist Church to preach to the freedmen, and in compliance with his engagement he went to the plantation of Mr. J. W. Howe, without first consulting him, harangued the negroes—not upon religious topics, but advising them to arm and assert their political and social equality with the whites, stating that he was ready and willing to assist them.

"These facts were reported to Mr. Howe by his freedmen, who thereupon went to said Dorman and told him that when he came to preach on his place to come to his house, and he should be entertained as a gentleman, but that he should positively object to his proceeding in the manner above stated, and, furthermore, would not allow it. Dorman promised to comply; but on a subsequent visit again fraternized with the negroes, ignoring the kind invitation of Mr. H. Mr. Howe, being apprised of this, went to the house of the negro with whom Dorman was stopping, and found him eating at the table with the negro family.

"Upon Mr. Howe's entrance into the room Dorman rose from the table, knife in hand, accosting Mr. Howe in very insulting language, and, fearing an assault, Mr. Howe, with his walking-cane, struck the knife from Dorman's hand and gave him a thrashing. All this occurred in day-light, and Mr. Howe was the only person engaged in the assault.

"Dorman immediately went to Wetumpka and swore out a warrant of arrest against Mr. Howe, his two sons, the eldest of whom is only eleven years old, and several other gentlemen in the neighborhood, as instigators and accessories. When the order of arrest was handed the constable, with instructions to summons a posse of twenty men, and not to disclose the names of the parties to be arrested, he offered to go alone, pledging himself to bring all the parties named in the warrant, but his orders were peremptory to take the posse and go by a circuitous route to Mr. Howe's home. The gentlemen who accompanied the officer were not aware who were the parties to be arrested, until they were halted at the house of Mr. Howe, who, upon learning their object, immediately surrendered himself without resistance, as did all the parties named in the warrant, and proceeded with them to Wetumpka, where they were bound over to appear at the next term of the county court, in the sum of $1,000 each, the most substantial merchants of the place voluntarily placing their names on the bond. The case will be tried on Monday next, if the prosecutor appears, which, I am assured, is unlikely, as the county solicitor, Mr. Delong, proposed to Mr. Howe's attorney to compromise the matter, agreeing to dismiss the suit if Mr. Howe would pay the costs.

"Numbers of the best citizens proffered to make affidavit that Mr. Howe was a most worthy Christian gentleman, a prominent member of the church, and one of the most substantial citizens of Alabama; and at the same time asserted that it could be substantiated by good radical authority that Isaac W. Dorman was a man of no standing in society, and that, furthermore, he was a fugitive from justice, an indictment being now pending in Georgia against him for attempted rape on his own cousin; his father, a worthy minister of the gospel, positively refusing to recognize him after the offense above stated. Dorman is notorious among the negroes as being a lewd, licentious man; and Mr. Brogden, when called on by Mr. Delong to avouch his character (though belonging to the same party) refused, stating that every one knew Dorman to be an unprincipled rascal.

"Mr. Delong, the solicitor, was selected by many with whom I consulted as being the probable author of the letter to Senator Spencer, giving an account of the 'outrage,' and he was known to be drunk on the 29th ultimo, the day and date of said letter.

"I am, very respectfully, your obedient servant,

"W. V. CHARDAVOYNE.

"His Excellency ROBT. B. LINDSAY,
"*Governor of Alabama.*"

By Mr. VAN TRUMP:

Question. Please give us any information you have as to what Dorman stated in his affidavit in regard to his assailants being disguised?

Answer. I cannot speak with any accuracy upon that.

By the CHAIRMAN:

Question. Had any of these charges against Dorman's character been made known in that community before this transaction occurred?

Answer. My impression is, from information I received subsequent to this, that he was known to be one of these disturbers of the peace.

Question. I am speaking of the charge made there about his conduct before leaving Georgia. Were those charges, about his offense there, and the indictment pending against him, known to Mr. Howe when he invited him into his house?

Answer. I do not know.

By Mr. VAN TRUMP:

Question. Did Mr. Howe belong to the Methodist Episcopal Church South?

Answer. I do not know.

By the CHAIRMAN:

Question. Having stopped to give the details of that case, if you have other cases to which you wish to refer we will hear them. I will again ask you whether, from 1867 down to the time of the last case brought to your notice, have there been frequent occurrences of this character reported as having taken place in the State?

Answer. Yes, sir; I heard of frequent occurrences.

Question. I refer to offenses committed by persons in disguise.

Answer. Yes, sir; but it was only by report.

Question. Having stated that, if there are other cases to which you wish to refer—I understood you to say that there were some—you can now go on and state them.

Answer. I will qualify my statement, however, by saying that up to the present time, and until these cases were brought to my knowledge, reported outrages by Ku-Klux or disguised persons had ceased for the last two years. Occasionally, during that time, it was reported that men had disguised themselves. I will refer to some particularly. I stated that I had heard, and from hearsay had reason to believe, that there was an organization known as the Ku-Klux organization; I only speak of that from hearsay. But I also heard, and had as much reason to believe, that that organization was disbanded in the State of Alabama upward of two years ago. And in this connection I may as well say that it is my solemn belief that there is no such thing to-day as a Ku-Klux organization within the limits of the State of Alabama. That occasional infractions of the law occur by men in disguise, I have been informed, and have no reason to doubt. But upon every inquiry I have made, from investigations I have instituted, I have invariably found that the disguise was not of an organization, but for the purpose of enabling the perpetrators of the crime to escape the vigilance of the law officers. In every instance to which my attention has been called, not only as a citizen for the past two years, but as the executive of Alabama for the last six months, I have invariably found that to be the case; that the disguise was not a part of a permanent Ku-Klux, but a temporary expedient to enable the villains to escape. It would be impossible for me to refer to each and every case that I have heard of; I can only instance those I have investigated. Among them is the one I hold in my hand, reported to me by General Crawford.

By Mr. VAN TRUMP:

Question. Where was he stationed when you got that, at Eutaw?

Answer. At Huntsville.

Question. He had been at Eutaw?

Answer. Yes, sir. This is the case of George W. Hollowell, who, in his affidavit, states that he was a southern slave, and got into the Northwest in company with Morgan's command.

Question. Morgan, of Kentucky?

Answer. Yes, sir; the confederate General Morgan; and that he escaped there. The facts are stated here.

By the CHAIRMAN:

Question. Is that the report of the case to you?

Answer. This is the affidavit of the party himself.

Question. If you wish to submit it in connection with your testimony it had better be read.

Answer. It is as follows:

"STATE OF ALABAMA, *County of Madison, ss:*

"On this 27th day of March, 1871, personally appeared before me, a clerk of the circuit court in and for the county and State aforesaid, George W. Hollowell, resident Marshall, Calhoun County, Michigan, who, being duly sworn, deposes and says that he was carried into the rebel army by his former owner, W. D. H. Hollowell, major, from Panola County, Mississippi; was with General Morgan's raiders, captured near Cincin-

nati, Ohio, by the Federal forces, and sent to Camp Douglas, Chicago; there released, and went to Calhoun County, Michigan; while there I was drafted and attached to the one hundred and second United States colored infantry, company 'K;' after muster-out of command I returned to Calhoun County, Michigan, and I left home on February 1, 1871, to see my mother and sisters, who were living in Morgan County, Alabama. I arrived there, and while staying with them on the plantation of Robert Adkerson, trying to help them and better their condition, on Saturday night, 25th of March, 1871, I was aroused from sleep by hearing some persons calling 'Wash.' I said, 'Who is there?' The voices replied, 'It does not make any difference; come out; we want to have a civil talk with you.' As I was getting out of bed I said, 'Gentlemen, if you want to have a civil talk with me come in and sit by the fire so I can see who you are.' One said, 'You strike a light and I will blow your damned brains out.' I went to the door and put myself against it; they pushed with such force against the door that it came open; I stepped back; the door was opened wide; a man dressed in disguise came pointing a double-barreled gun at me; he had on an India-rubber coat belted around him; on his head he had on an old cap, over his face a piece of red flannel, reaching from his head to his knees. I saw about seven men there, all disguised, some in white gowns; one of these other men came in; they told me to come, there was no use in staying back, they were going to have me; 'You have been fighting in the United States service; you are a Yankee, you black son of a bitch, and we are going to cut out your stones and skin you alive.' I saw that I could not resist or defend myself with any success, so I said I would go out, and did so. As I reached the door one of the men grabbed my right arm; I kicked him on the side of the head and knocked him down. While this was occurring another caught me by the right leg; I struck him with my left fist, and over he fell. I then ran and they after me, for about one hundred yards, but I got away from them. I ran up into Mr. Adkerson's yard, and then went over into a little thicket near the house, and there got into an old seed-house, near the kitchen. While I was there these men came up to Mr. Adkerson's house, and there were about sixteen men then in the yard; they called to him, but I could not tell what they said. They stayed about half an hour and left, and then returned to the house I had been staying in and watched it until daylight. They then told my mother and sisters, who were there, that they wanted all my clothes and satchel and all my sister Maria's clothes. I had just returned from Valamossa Springs, where I had purchased some clothing for her; these things were given to them, and they carried them away, also $25 in greenbacks. They said they would be back there at 10 o'clock Sunday morning, and then give me twelve minutes to get out of the State. I returned, and my mother and sisters told me that they said they would return, and I left, after gathering the things they had left me. They threatened to beat my sister Maria on Monday next, so we both left there and came to Huntsville, Alabama.

"GEORGE W. HOLLOWELL."

"Sworn and subscribed before me, this 28th day of March, A. D. 1871.

"JAMES H. BONE,
"*Clerk Circuit Court.*"

"A true copy:

"M. FRANK GALLAGHER,
"*Second Lieutenant and Adjutant Second Infantry, Post Adjutant.*"

On receiving that I immediately sent, from a distant part of the State, from Montgomery, my recording secretary to investigate it. His report is as follows:

"To his Excellency R. B. LINDSAY, *Governor, &c.:*

"DEAR SIR: Pursuant to instructions received from your excellency, I proceeded to Morgan County, in this State, for the purpose of inquiring into an alleged assault on one George W. Hollowell, colored, by disguised men, on the night of the 25th March last, near Draper's Ferry, on the Tennessee River. After due inquiry, I learned from responsible gentlemen that the following were the facts in the case, as near as could be known by those not personally engaged in the matter:

"The said George W. Hollowell, colored, is, or was, as he stated, a resident of Michigan, and came on a visit to his relatives in Morgan County. As soon as he reached Morgan County he began to assume offensive airs toward the white persons he met, and boasted loudly and often of having married a wealthy white lady in Michigan, with whom he was then living, asserting his equality with any white man, and utter contempt for them generally, at the same time giving it as his mission to convert the colored people of Alabama to the same belief. He was remonstrated with frequently, and told that he would not be allowed to remain in the community so long as he conducted himself in that manner. His brother-in-law, a respectable and intelligent colored man, told him that he should not stay at his house unless he behaved more properly. In spite of the remonstrances of the whites, and advice of his own kin and color, he continued to render himself offensive to the community, until waited on, the night above-mentioned, by several gentlemen, who ordered him peremptorily to leave, and at

once. It is needless for me to assure your excellency that the wonderful feats related by the said Hollowell, as performed by himself in his escape, as well as the charge that he was robbed, and that the party was disguised, are utterly and positively false, as set forth in his affidavit to the circuit clerk of Madison County. I am assured by gentlemen whose veracity I will indorse that there is not a more orderly, quiet, and peaceable community of men, both white and black, in this or any other State, than the one in which this occurred, and that this was resorted to simply as a peaceful method of disposing of a noisy, turbulent, disturber of the public peace, with no desire or intention to do the negro bodily harm.

"I have the honor to be, your excellency's obedient servant, &c.,

"W. V. CHARDAVOYNE.

"*Recording Secretary.*

"APRIL 20th, 1871."

Question. Did your secretary examine the negro himself?

Answer. No, sir; he had left there, and had gone to Huntsville. I was in Huntsville myself afterward and made inquiry for him, for I wanted to have an interview with him myself; but he was not to be found.

Question. Has anybody been identified as being with the party charged with this offense?

Answer. I know nothing further than is reported by my secretary.

Question. Have you any knowledge, then, that the very persons charged with the offense were not those from whom your secretary got his information?

Answer. I have no knowledge further than this: I live in that section of the State; my family have been in Huntsville for some time; but this was unknown to the people at large; it was not considered an aggravated affair at all. It simply appeared in the form I have it here. I received reports from the county of Jackson that a man by the name of Cates had been killed, and that a man by the name of Harper had been whipped. Upon that information I offered rewards for the discovery and arrest of the perpetrators of the crime. They were known, and were indicted for the murder of Cates; but they fled to another State. I learned that Cates had been killed accidentally, although the parties were upon a criminal mission.

Question. The parties who killed him?

Answer. Yes, sir; some difficulty had arisen in that locality in regard to a married woman, and these parties had gone there for the purpose of whipping, or doing something to a man whose name was associated with this woman scrape, as I may call it; I do not know the name of the man. Mr. Cates was absent at the time, but he came up to the house with a torch in his hand at the time these outlaws were about the house; I call them outlaws. They sent a young lad to halt Mr. Cates.

Question. Is that the usual mode of travel in the night by the people in the country, with a torch?

Answer. I think it is a very common thing with people, when passing from house to house in a dark night, to carry a torch or pine-knot. Mr. Cates would not halt, but was shot and killed. The young man sent to halt him has escaped; three or four persons have been indicted and have given bail; but they say the gun was fired, but how they do not know. At all events, Cates was killed.

Question. Were the parties in disguise?

Answer. That I do not know; I think that I heard they were; I am almost positive that I was informed they were in disguise. Harper was whipped. I offered a reward for the perpetrators of that crime; they fled, however. He was whipped because he had given testimony against one or two outlaws that frequent that portion of the State of Alabama. The county of Jackson is a mountainous region, and lies in a corner between the States of Georgia and Tennessee. It is the resort of almost every villain that flies from justice in the three States of Tennessee, Georgia, and Alabama, for the mountains on both sides of the Tennessee River are almost inaccessible. It seems that Harper had given testimony before a grand jury which led to their indictment, and they whipped him for that; that is the information reported to me.

Question. You say he was whipped for giving testimony against some outlaws?

Answer. Yes, sir; about setting fire to a house.

Question. Were they persons who had been charged with having committed offenses while in disguise?

Answer. No, sir; they had burned a house. When I use the term "outlaw" I do not use it in a technical sense, but I mean a man regardless of both human and divine laws.

Question. I put the question because you had termed outlaws the other persons who had killed Cates.

Answer. My recording secretary, whom I had requested to go and ascertain any further information on the subject, telegraphs me, under date of June 12, 1871, as follows: "Saw solicitor of Jackson. Harper and Cates both democrats; private feud, not politics, cause of assaults."

By Mr. VAN TRUMP:

Question. What are the politics of the solicitor?

Answer. He was appointed by my predecessor; I do not know what his politics really are—how he affiliates now.

By Mr. BECK:

Question. What was your predecessor's politics?

Answer. He was a republican. I would not like to locate a man in politics without knowing.

By Mr. VAN TRUMP:

Question. Was it the habit of your predecessor, Governor Smith, to appoint democrats?

Answer. Not much.

By the CHAIRMAN:

Question. Those two cases, Cates and Harper, were the two cases in Jackson County complained of to you?

Answer. Yes, sir.

Question. Have the offenders been arrested?

Answer. Those who whipped Harper have not been arrested; those who are charged with the killing of Cates have been arrested, and indictments have been found against them for murder. They have been prosecuted for four weeks in succession, the resident lawyers aiding in the prosecution. The solicitor telegraphed to me to allow him a detective, because he thought that with the aid of a detective he could discover the offenders. That was before he did discover the parties; however, I had no power to allow him a detective.

By Mr. VAN TRUMP:

Question. Which party has the majority in Jackson County?

Answer. The democrats are largely in the majority.

By the CHAIRMAN:

Question. By "prosecution" do you mean a preliminary inquiry, or a trial before a jury?

Answer. There was first an examination by a court of inquiry, and then an indictment found by the grand jury of the county.

Question. They have not been tried before a traverse jury?

Answer. I believe they have not been tried before the circuit court.

By Mr. VAN TRUMP:

Question. Are they in prison?

Answer. Yes, sir. As I stated before, the prosecutor is a man of great energy and determination, and he is sustained by the editor of the newspaper in that county, a man of moderate politics.

By Mr. BLAIR:

Question. Is Stevenson the county town?

Answer. No, sir; Stevenson is in the county, but Scottsboro is the county town. The next case that was brought to my official notice was a case in Limestone County.

By the CHAIRMAN:

Question. Please give the date if you can.

Answer. I think it was within the last three weeks. I do not remember the date. I was in the town of Huntsville when my attention was called, by the probate judge of Madison County, in the presence of Joseph C. Bradley, to what was termed a Ku-Klux outrage in Limestone County.

By Mr. VAN TRUMP:

Question. Huntsville is in Madison County?

Answer. It is. On invitation of the judge of probate I called at the probate office the next morning, to get more accurate information from an assistant of his in that office, who had heard the statement made of the outrage. A man by the name of McGregor was said to have been the victim.

Question. White or colored?

Answer. White. I learned from the assistant of the probate judge these facts: This man, McGregor, had bought a horse from another citizen of Limestone County, for which he paid him, perhaps, a hundred dollars. After the trade they repaired to a still-house, as they call it there, a place where they make whisky, and there they got drunk. McGregor was charged with stealing the hundred dollars, and getting the horse too. That night some four or five men went to McGregor's house, took him out, and threatened to hang him if he did not give up the hundred dollars.

Question. Were those men disguised?

Answer. I do not know whether they were or not, and I must confess that I do not remember whether that was stated or not.

Question. The reason I ask is that you characterized the transaction as a Ku-Klux outrage.

Answer. Yes, sir; the reason why I am not certain in my recollection will be explained. Not content with that information, however, I ordered my recording secretary to repair to Limestone County for the purpose of investigating the facts and sending forward a detailed report. He telegraphs me, under date of the 13th instant, as follows: "Investigated fully Limestone case. All democrats; drunken spree; no politics."

By the CHAIRMAN:

Question. Have you any other cases to which you wish to refer?

Answer. Some three or four weeks ago I addressed a communication, in the form of a circular, to the district attorney of the United States, at Montgomery; also to the solicitor of Montgomery County, Robert Knox; to a gentleman of the name of Speed, who is a man of intelligence, and the school superintendent of Perry County, one of the largest negro counties in the State of Alabama, and to several other gentlemen, whose names I now forget, requesting them to furnish me with a statement of any outrages or crimes committed within their knowledge or information. I received no reply from any one of them, except from the district attorney of the United States, who expressed some surprise that I should have asked him. I stated in my communication that I wished to investigate the matter so as to ascertain the facts as they really existed. He stated that there was a case which had occurred the day before in Montgomery County.

By Mr. VAN TRUMP:

Question. Is that the county in which the capital of the State is situated?

Answer. Yes, sir. I have his letter at my room, but I have it not here. I forget now the names of the parties or the facts; at least I could not undertake to make an accurate statement of them. But it was charged that disguised persons had whipped a negro man. All of them were arrested and brought before the United States commissioner. The palliation that they gave was that this negro man had committed an outrage upon the person of an idiot white girl, and that the idiot girl was discovered to be pregnant; that was the palliation that they alleged. That is stated in the letter of the district attorney himself. I had not time—it was the day before I left—to institute any inquiry; but the parties were bound over before the United States commissioner in the sum of $1,000 each. That is the most recent case that I know of; there may be others, but it is impossible for me to remember them all.

By the CHAIRMAN:

Question. These are all you remember at present?

Answer. Yes, sir; these are cases I have endeavored to ferret out. If there is any particular case to which you desire me to direct my attention, I might be reminded of it by reference to it.

Question. You have spoken of Jackson County; was there a case in the county in which a man named Larkin was involved; a colored man, who was taken out and shot on a stump, or alleged to have been?

Answer. What time was that?

Question. About the 1st of January, I think.

Mr. BLAIR. At Fayetteville, it is said.

The WITNESS. Yes; I think I heard of the case of some negro at Larkinsvilie.

By the CHAIRMAN:

Question. The negro was named Larkin, was he not?

Answer. I think I heard of that case, but I do not know the particulars.

Question. Was it called to your attention?

Answer. No, sir, not officially; it was only by rumor that I heard it. I remember to have seen some account of it in the newspaper published at Scottsboro, a paper which I receive at my office.

Question. Have you a recollection whether it alleged that the offense in that case was committed by persons in disguise?

Answer. I cannot say; my memory is indistinct in regard to that. If I were required to state my best impression, I should say that they were disguised.

Question. That the persons who committed the offense were in disguise?

Answer. Yes; that is the best impression I have in the matter, but my attention was not called to it officially.

Question. Was this Larkin a colored man?

Answer. My recollection is that there was an outrage of that kind committed; but I have no personal knowledge whatever of the matter.

Question. Instead of directing your attention at present to particular offenses which

have been committed, there are one or two other questions I wish to ask you. You have already given it to us as your belief that there was an organization of persons in the State of Alabama publicly known as Ku-Klux, which organization ceased some two years ago.

Answer. Yes; my information was that there was such an organization, but I had no personal knowledge of its existence or of its operations.

Question. Had you that information from any persons who professed to know the form and the purposes of the organization?

Answer. No, sir; only from those who had seen them in disguise.

Question. Were they uniformly represented as committing their offenses at night in disguise, in military order?

Answer. My information was that they went in bands; but as to military order, or the particulars of their organization, I never had any accurate information.

Question. Your information is that these offenses were committed at night by men in disguise, and in organized bands?

Answer. That was my information.

Question. Have there not been offenses committed in the same manner, and generally upon republicans, within the last two years?

Answer. Well, no, sir. I will here state as my belief that I do not think the Ku-Klux ever selected a victim because he belonged to any political party.

Question. I do not wish to get at that point yet, if you please, but to another point.

Answer. I understood you to use the word republicans.

Question. Perhaps I put more in my question than I ought to have done. Have there not been offenses, without regard to whom they have been committed upon, committed within the last two years, at night, by persons in disguise and in organized bands?

Answer. I have not heard of any.

Question. Have none been reported to you within the last two years?

Answer. None; unless those I have mentioned in Jackson County; the Cates case. I may have heard of others, and if I were to reflect a little perhaps I might think of them.

Question. You give it, then, as your testimony that, according to the best of your information, there have been no offenses within the last two years committed in Alabama at night by men in disguise and in bands?

Answer. Oh! no; I do not give that testimony.

Question. What is your testimony, then; that there have been such offenses committed within the last two years?

Answer. Yes, sir; that offenses have been committed at night within the last two years.

Question. By men in disguised bands?

Answer. I do not know about that; I have understood that they were. I believe that those bands were got up for temporary purposes; but I state my belief that, so far as this Ku-Klux organization is concerned, it has been disbanded over two years

Question. The Ku-Klux organization having pursued its operations in this way, a night and in disguise, you say there have been offenses committed within the last two years by men in disguise at night and in organized bands. I want you to give your reasons for believing that the Ku-Klux, as such, have been disbanded.

Answer. I can give no other reason, except the very same reason which I gave for its existence; general information, and the fact that they have never been seen in anything like organized bands.

Question. What was your information as to the difference between the purposes of these organized bands during their existence and the purposes of those combinations that have committed these offenses within the last two years; what is the distinguishing difference between them?

Answer. I will give you what I conceive to be the difference. The origin, as it is generally understood, the prime moving cause of the existence of the Ku-Klux, was the result of Union Leagues. Union Leagues were organized in every little village and hamlet and town throughout North Alabama, composed principally of colored men, with a sprinkling of whites. Those Union Leagues were supposed—I am speaking now only from general information upon this subject as upon the other—these Union Leagues were supposed to have not only a political object, but to a certain extent an object of crime; that they were banded together for the purpose of committing depredations upon the whites. I say that was the impression; I do not say that it was the fact, because I was never in one. During the process of reconstruction there were no courts in the State of Alabama, either competent or active in the administration of the laws. Everything to a certain extent was chaotic, every man and every part of society were entirely at sea. And this band of Ku-Klux was said to have been organized to counteract the objects and acts of the Union Leagues, and to punish crime where the laws failed to administer justice. I am speaking now of what was the general impression of the country at that time. As soon as the reconstruction measures became operative, and the government was organized under those measures, and the courts of

justice were reopened, that organization was disbanded, or certainly it ceased to exist, so far as the general information of the country went. Unfortunately, under the reconstruction measures in Alabama, we had placed in power a great many incompetent officers, men who were not capable of discharging the functions either of judge or prosecuting attorney; men who were totally unfit either by their moral or their mental character to administer the laws. I am speaking now what my experience as a lawyer bids me to speak. The old system of prosecuting attorneys was abolished; that is, what we called the district system, where a prosecuting attorney had a jurisdiction, if I may use that expression, of five or six counties, or rather coextensive with a judicial circuit; that office of prosecuting attorney was abolished, and in its stead was established a multiplicity of solicitorships, one for every county; thus reducing the dignity of the office and the emoluments of the office to such an extent as to forbid the possibility of obtaining talented men to fill them. A few boys, who had just come to the bar, striplings who had no experience, and who, perhaps, had never read a law book through, were the only ones who ran for such offices, and filled them. They were not only incompetent, but were living in the very midst of the influences they ought to have put down. They thus became timid in the administration of the laws; they were too young and timid. Fortunately that is now somewhat passing away; they are getting more experience, and to a certain extent are becoming more capable of discharging their duties, and are now bringing men to justice that otherwise escaped formerly, partly from ignorance and partly from indisposition on the part of the prosecuting officers. When that unfortunate condition of affairs passed away, it was generally understood that the Ku-Klux organization had disbanded; and I repeat that I am satisfied that for two years past, since the presidential election which elected General Grant, there has been no such thing as any organized bands of depredators or of Ku-Klux in the State of Alabama. I think that I am in a position to gain general information on that subject. I repeat, however, that small organized bodies of men have perpetrated crimes, but not pursuant to any rules or laws of an organization, but simply to cover up their villanies.

Question. That is the answer you make to the inquiry I put?

Answer. Yes, sir.

Question. I do not wish to interrupt you if you are not through. Is that the full answer you desire to make?

Answer. That is all I desire to say now that is pertinent.

Question. I do not wish to interrupt you unless you are through.

Answer. I believe I am through.

Question. I desire to follow that by this inquiry; I will, however, premise with another inquiry. I understand you to say that the Union Leagues were first established there as a political organization; and that, as you understood it and as you believe it was understood by others, some arrangements were made for committing depredations upon the white population?

Answer. That was the impression of the country.

Question. And that the Ku-Klux organization followed it for the purpose of counteracting its political operations, and also to counteract its depredations by violence also?

Answer. No; I have never understood that the Ku-Klux organization had any political significance whatever.

Question. Did I understand you correctly, then, if I understand you to say that it was organized in opposition to the Union Leagues for both purposes, or was it only for the purpose of counteracting violence?

Answer. To counteract violence, and to administer that justice which the laws failed to administer. I will not say administering justice, but to punish crimes which the laws failed to punish.

Question. Whether intended or not, did it follow that persons who entered that Ku-Klux organization were opposed to the republican party—that they were of the democratic party?

Answer. I could only give my impression.

Question. What is that?

Answer. In my section of the country the whites are nearly all democrats.

Question. Then, whether intended as a political organization or not, did it result as a matter of fact that those who composed it were of the democratic party?

Answer. I could not answer that, from the simple fact that I do not know one man who belonged to it.

Question. So far as your information goes, did you ever hear anybody charged with belonging to it who was not of that political organization?

Answer. I do not know that I have.

Question. These questions have been preliminary to the one which I deem of the most importance. That question is, let these offenses, committed by these disguised bands, have been committed for a political purpose or not, have the depredators been brought to justice and punished, as a rule, or have the laws failed to reach them, be-

cause of the difficulty of identifying the offenders or proving the offenses against them?

Answer. I do not think that I know of any—yes, I think there were some in Lauderdale County, perhaps, who were discovered and prosecuted; that is my present recollection, but that is the only instance I have known of any discovery of the Ku-Klux, with the exception of the four disguised negro men who whipped one of their own race. That was about two years ago; and I will say in connection with that, that there were some disguised men who took out the negroes who had been disguised, and whipped them for whipping the negro. As I stated before, those disguised negroes were dismissed at my earnest solicitation, because of their ignorance of the laws of Alabama and of the heavy penalties attached to Ku-Kluxism.

Question. Then that case and the case in Lauderdale County are the only ones which you remember of disguised men having been brought into court and prosecuted for their offenses?

Answer. I think so; that is my recollection. I will state, in this connection, (it would perhaps be pertinent,) that the statute law of Alabama in regard to disguised men is, I will not call it severe, but is very peculiar, and exceedingly strict and exacting in its provisions. If a party is whipped or killed by men in disguise, the county may be sued for a penalty ranging from $1,000 to $5,000; and it is the duty of the prosecuting attorney of the county to institute suit for and in behalf of the victim or the relatives of the family. I think that in Lauderdale County several suits, or one or two suits, have been instituted for the purpose of recovering the penalty; in one instance for whipping a man by the name of Rogers, and in that case I think he himself is the witness.

By Mr. VAN TRUMP:

Question. What is the fact as to whether these kinds of suits are or are not brought in other parts of the State?

Answer. They are; it is the duty of the solicitor to bring them.

Question. Do you know of any case of the kind?

Answer. I cannot specify, but I know it is generally understood that the solicitor will do so.

By the CHAIRMAN:

Question. Has there been any recovery, that you are aware of, against any county under that law?

Answer. Not yet; I do not know of any recovery. There was a case carried to the supreme court of Alabama the other day, under which there had been a recovery in the court below, but the supreme court decided against the recovery.

By Mr. VAN TRUMP:

Question. On a question of law?

Answer. It turned out that the parties were not disguised, but they were hid behind some bushes. The county, however, was at first successful in the suit; the penalty was inflicted upon the county in the court below, but in the supreme court it was reversed. That is the only case that I know which has come to a termination.

By the CHAIRMAN:

Question. You have no knowledge of any case in which there has been any recovery against the county?

Answer. I do not, unless it is that one. That case was from the city of Mobile, I believe; I will not speak positively on that point.

Question. Have you any recollection of a case occurring in Lawrence County in 1869, in which a man of the name of Sapp was hanged?

Answer. No, sir; the name is unfamiliar to me. If I were to hear anything about the circumstances I might recall it.

Question. I am endeavoring to recall cases which have fallen under my observation in reading. My recollection of the case is that Sapp was hanged in Lawrence County in 1869, and that an officer named Garrett arrested a number of prisoners who were rescued. You have no recollection of that case?

Answer. I have not.

Question. Have you any recollection of a case in which a man named Collins was arrested and imprisoned, and then escaped?

Answer. Yes, sir; I recollect that.

Question. How recent was that case?

Answer. How long since?

Question. Yes.

Answer. It was some twelve months ago. I think Collins settled in my county, the county of Colbert; engaged in planting, and engaged in politics. Where he came from I do not know; he was a stranger to us; he came from some Northern State. He failed at planting, however, and got into the courts, which enabled me to become

pretty well acquainted with his history. He was elected one of the board of education for that congressional district, the district represented now by Major Sloss. Before that, however, or about that time, he was insulted by a man of the name of Kernahan, at the hotel table in the town of Tuscumbia. They got into an altercation, and the result was that Collins killed Kernahan. Kernahan was a native of Alabama, I believe; a drinking man, and exceedingly offensive. Collins and he in the altercation, however, both fired at the same time, and Collins killed him, at the hotel table. Collins was tried, prosecuted with a great deal of zeal on the part of the family of Kernahan, which was a wealthy family, but the jury acquitted Collins.

By Mr. VAN TRUMP:

Question. Was it a mixed jury?

Answer. No, sir; it was not a mixed jury. A jury of the best citizens of that country acquitted Collins. And I must confess that there is perhaps no instance that would be more illustrative of the fairness of an Alabama jury than that case, because there was no man in that section of the country, drinking man though he was, who had a higher character for generous impulses than Kernahan. He was beloved through all that region of country. Collins was a man who was, I may say, most odious, so far as his political movements with the colored race were concerned. He was chief in the organization of Union Leagueism; he was a speaker on every stump, to colored men, where politics was concerned. Yet that man was triumphantly acquitted by the jury, without five minutes' consideration. A year or more elapsed, when there was a contest for Congress. Haughey, who was a representative in the Fortieth Congress, I believe, was a candidate and very obnoxious to Collins, who espoused the cause of Hinds. In the town of Courtland, Collins and Haughey got into an altercation and Haughey was killed.

By Mr. BLAIR:

Question. Haughey was a republican, was he not?

Answer. Yes, sir. Haughey was killed by Collins, who was arrested, brought before a court of inquiry, and committed to stand his trial in the circuit court. During the time of his imprisonment he was taken out of jail, it was said, I believe, by some disguised men.

By Mr. VAN TRUMP:

Question. Can you state right there whether Haughey was a favorite among the negroes, or not, as a republican candidate?

Answer. Haughey was most decidedly the favorite candidate with the negroes.

By the CHAIRMAN:

Question. That is your recollection of that case?

Answer. Yes, sir. Collins escaped, and it is said that he has gone to New Mexico, with his father-in-law, General Smith, who was appointed revenue collector or revenue assessor in New Mexico.

By Mr. VAN TRUMP:

Question. Was he bailed out?

Answer. No, sir; he escaped. He was committed for murder in the first degree, which is not bailable. There are various impressions in regard to his guilt; I have my own impression.

By Mr. BLAIR:

Question. I understand you to say that he was taken out of jail by disguised men. Do you mean rescued by them?

Answer. Yes, sir. My law partner, Major Sloss, was his attorney, and received letters from him after he escaped and went out of the country. There is no question about it that he was taken out by his friends.

By the CHAIRMAN:

Question. Out of the jail?

Answer. Yes, sir.

Question. Is it your impression that they were disguised when they took him out, or met him after they got him out?

Answer. I am not positive. The reason why I think they were disguised is that it was reported all over the country that the Ku-Klux had taken Collins out and hung him.

By Mr. VAN TRUMP:

Question. He has been heard of since?

Answer. My law partner was his attorney; we have dissolved partnership now; but Major Sloss told me that he had received communications from Collins, and everybody knows that he is with his father-in-law in New Mexico.

By the CHAIRMAN:

Question. Statements have been made, and I want to inquire of your knowledge of their truth, of railroad trains having been stopped by men in disguise, taken control of, and run from one point to another, while they inflicted whippings upon some negroes in your State. State if you have any information upon that subject.

Answer. I have never received any official information upon that subject. I have heard of it, and upon hearing of it I attempted to institute an investigation; but difficulties with regard to the railroad, the stoppage of the trains, has prevented me from accomplishing my object. I suppose you allude to the occurrence upon the Alabama and Chattanooga Railroad, at some iron-works at Attala.

Question. I do not wish to allude to any case in particular. Statements have been made generally, and I wish your general information upon the subject.

Answer. That is the only case I know of, the one on the Alabama and Chattanooga Railroad. My information was general, that a railroad train, or an engine, was fired up and carried down from a station on the Alabama and Chattanooga Railroad, by a party, to a little town called Attala, and there they whipped some negroes. But I understood that it was by some employés of the road who had taken offense at some negroes who had been working with them.

Question. How long ago was that?

Answer. It was within the last five or six weeks, I think; but am not positive about it.

Question. Did you institute any investigation as to that?

Answer. I gave orders to have it investigated, but the railroad has gone into bankruptcy, and the trains have stopped, and there was no easy way of getting at the facts.

Question. Was it your information that a teacher of a colored school was whipped at that time?

Answer. No, sir; I did not hear that.

Question. Was it your information that the whipping was confined to the negroes working on the road?

Answer. That is my recollection, and the only recollection I have on the matter. Nobody communicated the facts to me at all. It has often been my request to citizens to correspond with me, and advise me with regard to these matters. But I have received no communication upon that subject from Mr. Stanton, or from any other party connected with the road. My understanding was that it was an outrage committed by one part of the employés of the road upon another part of them.

Question. Have you information of a case occurring in De Kalb County, in which a man named Henry Smith was hanged at Hickory Bark?

Answer. I have not; this is the first time I have heard of it.

Question. Allegations have been made before the committee that in certain portions of the State of Alabama, republicans were not at liberty to freely express their political sentiments without danger of personal violence; that has been said with regard to Greene County, Marengo County, and other counties. If you have any knowledge of the public sentiment there, as bearing upon that question, please give it to the committee.

Answer. I am entirely ignorant, personally, of it. I have never been in Greene County but once, and that was during the war; I have not been there since. I have spoken freely with leading citizens of Greene County, and they all seem to think that the disposition of the people is not only peaceable, but exceedingly tolerant. I believe that any man can go into the county of Greene and express his political sentiments. Judging from my experience in the late canvass in other counties, and my knowledge of the people generally, I would say that, as a general thing, there would be no difficulty encountered by any man of any political party expressing his sentiments.

Question. You canvassed the State at the last election?

Answer. I canvassed some thirty or forty counties of the State.

Question. Were you interfered with or interrupted at any of your meetings by any person?

Answer. No, sir, not at all.

Question. No obstacle was presented to the free expression of your sentiments?

Answer. I would have to take a general view of the feelings of the people of the State of Alabama. I think that I know, if any man has a right to know, the peculiar characteristics of the people of Alabama. My political career has been a long and peculiar one in Alabama. I am not a native of the South, nor am I a native of the United States.

By Mr. VAN TRUMP:

Question. What is your nativity?

Answer. I am a native of Scotland, and went into the State of Alabama in 1849. In 1853 I was elected to the legislature of Alabama, after a short residence there of four years. I went to Alabama from the good old State of North Carolina. Senator Pool

commenced his manhood with me, in his old county. I went from a good old whig county into a democratic one. In four years I was elected by one of the largest majorities given to any one. I was a foreigner; I was a stranger. Again, in 1857, I was elected to the State senate. I mention these things in order to come to the point. In 1860 I was an elector on the democratic ticket. After the Charleston convention I resigned my electorship, and, in my letter of resignation in the public prints, declared that I could have no affiliation with any party that aimed at the dissolution of the Union. I was then placed upon the Douglas ticket as an elector; I canvassed the State, at least the northern part of the State. I met Mr. Yancey, and denounced secession. The feeling then was ten times warmer than it has been at any time since the war. But I never received an insult, because the people are a generous people; I have a right to say so. I opposed secession on every hill and in every valley in North Alabama. In May, 1861, I came out in the same paper that published a speech delivered on the occasion of the presentation of the first flag to the first company that went to Fort Morgan; and in a parallel column with the speech upon the occasion of the delivery of that flag appeared my letter, stating that I had opposed secession: that I had not changed my mind, and that I did not think, from the action of the confederate congress, there was any good reason why I should change it. Yet I was tolerated, and no man ever attempted to insult me, or thought of insulting me. I mention this to show the freedom of opinion permitted and recognized in Alabama. I say what took place in 1861 is as prevalent to-day in Alabama. There is no man, I care not how obnoxious he may be in the political history of the country, if he will go into the State of Alabama and express his opinions, not attempt to arouse ill-feeling between the races, but can express his opinions anywhere he pleases. But, as a matter of self-protection, the people of Alabama require that there shall be peace and harmony and concord existing between the two races; that is all we want. In that connection I will say that I know of no feeling in Alabama against the colored race or against republicans, more than existed in olden times between whigs and democrats. In olden times I have met with more opposition and more insulting flings than republicans to-day get in Alabama. In old election canvasses, when men got on their sprees, they would say, "You know you lie;" "That is a lie." That was a common thing back in the hills and mountains in the olden times. But we knew how to take that; perhaps the fellow who did it would turn around and vote for us the next day; I have known them to do it. The same thing, to a certain extent, in the State of Alabama prevails now, and always will prevail in this country. But as for opposition to a man merely because he is a republican—there may be instances; I do not mean to say that there are not.

Question. In the case where a public meeting is composed largely of the negroes themselves, do you give it as your belief and opinion that there is no disposition to interfere with the free expression of opinion in instructing the negroes as to what their civil and political rights are in the new relations which they now sustain?

Answer. I say there may be an isolated case; but as a general thing there is not.

By Mr. VAN TRUMP:

Question. Are you aware of any such isolated cases or not? if so, you can state them. Do they not frequently occur in the North?

Answer. I never lived in the North, but I take it for granted they occur everywhere under a republican government. I will say here, in this connection, that the feelings of the people of the State of Alabama are advancing. You are aware, as well as I am, that the reconstruction measures were not by any means acceptable to the people of the South; that is too patent a fact to be controverted. But that has passed away, and we are beginning to recognize not only the fact of right and the practical workings of the right, but the democrats are beginning to electioneer with the colored men just like old times, and we are trying to get all the votes we can down there.

By the CHAIRMAN:

Question. Do you believe that the whippings of the negroes, of which you have heard, had anything to do with the effort to nullify the reconstruction laws in Alabama, and to deter them from the exercise of their political rights?

Answer. I put it upon record, without any hesitancy whatever, that I do not believe there has been a man whipped in the State of Alabama, during the last two or three years, if ever, certainly not in the last two or three years, on account of his political principles; not a man, black or white.

Question. Or with the purpose of deterring the negro from the exercise of his political rights?

Answer. Or with that purpose; personally I know nothing of that sort. In my county we have nine hundred negro voters, and they are divided into parties just as the whites are.

Question. I desired to call your attention to these points for the purpose of obtaining your views upon them. It has been alleged that in many instances republican officers

in the same portion of the State to which I have referred have been threatened, and compelled to resign their offices for fear of encountering this personal violence. Give to the committee your knowledge and belief upon that allegation.

Answer. Since I have been in the government of Alabama, there have been one or two instances in which parties themselves communicated that fact to me. One of them was a Mr. Blackford, of the county of Hale. He said that he was compelled to resign from fear of bodily consequence.

By Mr. POLAND:

Question. What office?

Answer. Judge of probate.

By Mr. BLAIR:

Question. In what part of the State is Hale County?

Answer. It was a part of Greene County. Mr. Blackford came to me at Montgomery, and in conversation said that he felt that his personal safety required that he should resign. I replied to him that I would not accept his resignation for that reason; that I did not think he was in danger; and that I would not be a party to encourage the resignation of any officer on account of such apprehensions, or on account of threats. He returned. I heard no more of him for two or three weeks, when he came to Montgomery in company with a gentleman from that county, tendered his resignation, and at the same time presented a letter recommending a party to succeed him. I accepted his resignation, with the belief that he had entered into an agreement with his successor, a man of very good standing, a democrat, but of moderate views. About the time I accepted his resignation, another party came up and pressed upon me to give the appointment to him.

By Mr. VAN TRUMP:

Question. The same man he had recommended?

Answer. No, sir; his own appointment; recommended by the leading citizens of Hale County of both parties. Upon inquiry, I discovered that the appointment of either of them would not restore harmony to the people, and I therefore refused to appoint either of them, and selected and appointed another man; I tendered the office to him; he did not know I was going to appoint him. He is the son of Judge Pearson, of North Carolina; I tendered the appointment to him; he was not aware of it until I sent it to him. I gave offense to the other parties, but I received the approbation of the best citizens of the county for my selection. He was a man who perhaps did not participate in politics at all. I appointed him because it was a republican county; and although I appointed a democrat, I wanted one as nearly acceptable to all parties as I could get. That is one case. I will say, however, that nobody ever hurt Blackford. He kept his fine race-horses, his fine stud, and did everything in the world any citizen could do, and no one ever hurt a hair of his head.

By the CHAIRMAN:

Question. Was there not a communication in the papers that a party had written to him requesting him to resign?

Answer. Yes, sir; I heard it from him; all I know about the matter I obtained from Mr. Blackford himself.

Question. How many other counties were there in which officers tendered their resignations to you?

Answer. Well, sir, a gentleman came up from Choctaw County a few weeks ago with the resignation of the judge of probate; in tendering that resignation, of which he was the bearer, he solicited the appointment for himself, and I gave it to him.

Question. Had the officer who resigned been threatened?

Answer. That is what I understood; but it is only hearsay.

Question. Are those the only instances of which you have heard—the instances from Hale County and Choctaw County?

Answer. I think there was a public meeting held in Sumter County, requesting Luther Smith, who is a citizen of Choctaw County, to resign.

Question. He is the judge of the circuit?

Answer. Yes, sir.

By Mr. VAN TRUMP:

Question. This county of Greene is also in his circuit?

Answer. Yes, sir; there have been some resignations, but they are few.

Question. What is Judge Smith's standing there as a lawyer?

Answer. Really I do not know his standing; I never saw him but once; he seems to be a man of energy.

Question. Was there any other reason given for his resignation than the fact of his party relations?

Answer. I do not really know what the cause of it was; I really do not know; I

could not speak with any accuracy at all upon that subject. I will say that I know nothing at all against his personal character; I never heard it alleged that he was guilty of any crime.

Question. Or that he was incompetent?

Answer. I do not know whether I have heard about his incompetency or not.

Question. Were you thrown in contact with him in the circuit?

Answer. No, sir. I will say that I think I have heard, perhaps, that he was incompetent, or something like that. I paid very little attention to it, because the question of competency is a matter of opinion among men.

Question. In how many counties have you been called upon to render protection against outrages and violence?

Answer. I think I was called upon from the county of Coosa.

Question. Please name the counties, and afterward give the details in regard to each county. Was there any call from Hale County?

Answer. Well, no, sir; there was no direct call. There never was a direct call at all upon me but once, and that was from Coosa County. Blackford wrote me one or two letters stating the condition of things in Hale County, and I think the sheriff of Hale wrote to me.

Question. Have you taken any steps, or are you about to take any, for the organization of State militia for protection?

Answer. Yes, sir; I issued a circular to Greene County, asking them to organize a company, subject to my orders, to aid the civil authorities. I also addressed a circular to Jackson County, asking them to organize a company. The laws with regard to the militia were very imperfect. There is a provision made for volunteer militia, a provision as lengthy as those for the armies of the United States. It was impracticable to organize the entire militia of the State. I received replies from the different counties, stating that they did not think there was any necessity for the organization of the militia; that the public sentiment against lawlessness was becoming so strong that they thought in a short time it would be entirely overcome.

Question. What have been the facts laid before you, or of which you have information, which induced you to take the initiatory steps for organizing the militia in those counties?

Answer. Blackford's letter and a communication from the solicitor in regard to the killing of Cates, in Jackson County. I never had any necessity presented to me with regard to any other county in the State, from any party, to organize any body of men to aid them.

Question. Were the facts such as to induce you to suppose that such a step was advisable?

Answer. I thought that an organization of the leading citizens of the respective counties would have a tendency to overawe those who were disposed to lawlessness. I was exceedingly anxious to signalize my administration by the overthrow of crime and lawlessness everywhere through the State. I thought if I could get such an organization as I speak of it would have a good influence.

By Mr. VAN TRUMP:

Question. In those counties?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did a judicial officer resign in Perry County?

Answer. Yes, sir. He sold out, I presume.

Question. He resigned.

Answer. Yes, sir.

Question. Was any cause given for it?

Answer. None at all, but the $5,000 which his successor gave him. He came up with a Mr. Howe to my office, and tendered his resignation.

Question. Is that a case to which you have already referred?

Answer. No, sir; I have not referred to that case. Mr. Howe succeeded him, and no cause whatever was assigned for it; nor have I heard of any except that one. I do not know that he got $5,000, but subsequent to the appointment I heard that Mr. Howe paid him $5,000 for the office. It is a very profitable office, worth $10,000 a year.

Question. Did you know of any threats against those officers who handed in their resignations?

Answer. The probate judge of Perry stated none. Mr. Blackford in his letter says that the good citizens of his county always treated him well, and that he thought that a party who desired the office was the cause of the offenses to which he was subjected. The party that he charged was one of the applicants for the office; I withheld the appointment for a week or ten days, and then learned that that charge was entirely groundless; that the party he had charged with the offense was a high-toned Christian gentleman, entirely free from suspicion of a disposition to injure any man. Inasmuch,

however, as the charge was so made, I refused to give him the appointment, although he was the one turned out under the reconstruction acts.

Question. Have you any information of threats used against the officers of Choctaw County, either against the sheriff or the probate judge?

Answer. Yes, sir; I have understood that they had been threatened—only from them, however.

Question. Were they threatened on account of their political opinions?

Answer. I do not know anything about it further than what they told me.

Question. Was that the information you had?

Answer. From them, yes, sir.

Question. Was there any attempt made against the judge of the seventh judicial circuit—one of the circuit judges of the State?

Answer. Who is the judge of that circuit?

Question. What is the number of Judge Smith's circuit?

Answer. I do not myself remember; they have been so recently made.

Question. In connection with that subject, was complaint made to you in any instance, or had you information which led you to believe that there was any attempt being made to prevent holding the court?

Answer. None.

By Mr. VAN TRUMP:

Question. Right there we may as well know how long the governor has been in office. How long have you been governor of the State of Alabama?

Answer. Six months; I went into office the latter part of November.

By the CHAIRMAN:

Question. When the probate judge of Choctaw County resigned, do you remember what reason he gave?

Answer. He did not give any reason; simply sent in his resignation through Judge Houston, whom I appointed. I did not wait a moment, but appointed him, although I had a communication asking that the appointment should not be made until other applications could be made.

Question. Was it not Judge Glover?

Answer. Yes, sir; it was.

Question. It was he who brought the resignation?

Answer. Yes, sir; I was thinking of another judge.

Question. Did he give any reason for the resignation?

Answer. No, sir; not that I recollect.

Question. Was any step ever taken, either before your term or since, to investigate the murder of Mr. Boyd, the solicitor of Greene County?

Answer. I know very little about that case; in fact, nothing but hearsay.

Question. That occurred before the commencement of your term?

Answer. Yes, sir; some time before; I was at home when I heard of the murder.

Question. How far do you reside from Greene County, where that murder was committed?

Answer. About one hundred and fifty miles.

Question. Was any political motive attributed for that murder?

Answer. The only thing I ever heard about it, that I now remember, was that he was prosecuting some parties, and they thought the parties prosecuted were implicated in the murder.

Question. Was not that murder, according to your information, committed by men in disguise in the night?

Answer. Really I do not remember any particulars about it.

Question. Do you remember reading the accounts of it?

Answer. I suppose I read the accounts of it, but I do not remember the particulars.

Question. The account given was that some 75 or 80 men in disguise, or a large number of them, rode into a large town during the session of the court and murdered a man in the hotel. How do you distinguish that case from offenses committed by the Ku-Klux, before the time when you say they disbanded?

Answer. I do not know. I think a special case may be distinguished from an organization; they might disguise themselves for the purpose of committing a special crime, and not be pursuing any regulations or orders of any organized body. I have no doubt, as I have stated before, that men in disguise have perpetrated crimes; I have no doubt, from my information, that such has been the case. But when I say that, I am satisfied from my information, and I believe that, within the last two or two and a half years, or since the presidential election, there have been no crimes committed by preconcerted action—I will not say preconcerted—but by a permanently organized body.

Question. Now, having taken you over the ground indicated by previous examinations here, as far as I can, and our object being to ascertain all the information with

regard to your State in relation to the execution of the laws and the safety of life and property, if there are any other facts bearing upon that subject which you have not stated, give them fully to the committee.

Answer. In justice somewhat to myself, I would say that, in regard to particular instances, unless they have occurred during my administration, I am not able to speak with any accuracy, for my information of them was obtained through the medium of floating rumors and newspaper accounts; accounts sometimes in one newspaper, sometimes in another, of different political complexion; and my mind was not riveted to them as it has been since I have been in office. I can only speak with regard to the general character and condition of the country.

By Mr. BLAIR:

Question. Your residence is in Tuscumbia?

Answer. Yes, sir.

Question. There was a colored man by the name of George Taylor, said to have been whipped in your town in 1869. Did you ever hear of such a person?

Answer. Never heard of his name, nor of his being whipped; it may have occurred, but I do not recollect it.

Question. And, about the same time, it was reported that three colored men were hung from a bridge at Tuscumbia, a leading colored man of the name of Johnson said to have been one of them. Do you recollect the circumstances of these men having been hung from the bridge?

Answer. Yes, sir. I have no personal knowledge of the fact, but I have no doubt of the three men having been hung.

Question. For what offense?

Answer. I was not in Tuscumbia at the time; I had my family at the springs in the mountains.

Question. What was the offense charged against them?

Answer. They were hung, as alleged—in fact, I am not only satisfied, but may say that I know that they were hung—for burning the female academy of the town of Tuscumbia. They were considered to be the leaders of the conspiracy. Five others were prosecuted under indictments for arson, for the same burning. I was the volunteer attorney, with one of the oldest attorneys of the State of Alabama, to defend the five. One of them was the husband of a negro girl that belonged to me while slavery existed, a girl whom I raised. They were convicted, and sentenced to the penitentiary for five or seven years—I forget now which. We took an appeal to the supreme court from the ruling of the judge, and the supreme court decided the appeal well taken. Their sentence was suspended in the interim. Before the appeal was decided in the supreme court they escaped, and the news was circulated all over the country among the colored people that those five had been taken out of jail and hung. That, however, was not the fact; they escaped, by the aid of some of their own race, and got into the States of Tennessee and Kentucky. I speak now of what I know, because the wife of one of them was my cook; she received a letter from her husband, which I read to her; and she went on to the State of Kentucky, where she now is, and corresponds now with my little girls. She is a yellow girl, and a very faithful servant. They all escaped, and the general sentiment of the community was that it was a very good thing that they did escape, the three leaders having been punished. I will state further that those negroes were the body and life of a Union League in the town of Tuscumbia. I had the whole confessions of the defendants. By some chance they received advice from a negro man from Memphis to use the torch; that they were at war with the white race, and they should use the torch upon them. That was overheard in the town of Tuscumbia. This negro man from Memphis was a porter upon the sleeping-car of the Memphis and Charleston Railroad. They met together upon the night of the burning, divided themselves into squads, three for an advance guard, three to carry the coal-oil and matches, and the balance to remain behind while the building was set on fire. They first agreed that they would set fire to the whole town; but this colored man suggested that this one was a good man, and another suggested that that one was a good man, and they finally burned only the female asylum. These three negroes were taken out by disguised men and hung on the public bridge at Tuscumbia, so I was informed. It was considered, however, by the community as a great violation of law; notwithstanding their crime was great, still the best part of the community was very denunciatory of the proceedings.

Question. Was the academy occupied at the time?

Answer. It had just been repainted and re-covered. This was on a Thursday evening, and, I think, the school was to be reopened on the Monday following.

By Mr. VAN TRUMP:

Question. Was it a mere local village school or an academy?

Answer. An academy.

Question. Was it a valuable building?

Answer. Yes, sir, as valuable as most any in our county. It was the only one we had, and we have had none since. It was burned, I think, in 1868.

By Mr. BLAIR:

Question. Do you know a Methodist preacher who has been living in Huntsville for some time by the name of Lakin?

Answer. I only knew him by reputation.

Question. What is his reputation?

Answer. He is a very shrewd, sagacious, cunning man, a man of strong mind and strong will.

Question. What is his reputation as to veracity?

Answer. I cannot speak with regard to his veracity, except from general information; I know nothing about him myself. As for his veracity, I can only judge from what I have heard about his romancing and wonderful tales of one thing and another. I know nothing about the person at all. If I were called in a court of justice and were asked if I knew his character for veracity and truth in the neighborhod where he lives ——

Question. You say he has a reputation for romancing?

Answer. Yes, sir; I do not know exactly how to designate it. It is my understanding of the man that he looks at everything through a jaundiced eye, with a magnifying eye; small events that would not be noticed by other men his imagination and fancy work into terrorism.

Question. Is he an enthusiast in his character as to religion?

Answer. That has been his reputation. I knew his reputation long before I saw the man. He is considered to be a zealot in his cause, the establishment of the Northern Church in the South. He and others came down there to work upon the colored population in order to get them to abandon their connection with the Methodist church conference South, and unite themselves with the Methodist conference North, assigning a variety of reasons why they should do so. I have been an eye-witness in our town to the feuds and disturbances that have arisen from these efforts. There are two churches there, and there is a very bitter feeling existing between the two sections of the church—the Northern Church and the Southern Church.

By the CHAIRMAN:

Question. Both colored?

Answer. Yes, sir. There are distinct colored churches there. The colored people since their emancipation are all forming themselves into separate and distinct colored congregations; before that, while slavery existed, they attended the churches of their masters.

By Mr. BLAIR:

Question. Do the colored people some of them belong to the Methodist Church South, and some of them belong to the Methodist Church North, and do they have separate congregations?

Answer. They have separate congregations.

Question. And you say there is a great deal of bitterness of feeling between the two churches?

Answer. Yes, sir; so much so that it has taken a political turn. In my county the Northern Church belongs to the republican party, and the Southern Church to the democratic party. There were one hundred and twenty-five voters in my precinct who belonged to the Northern Church.

By Mr. VAN TRUMP:

Question. You say there is a great bitterness of feeling between these two churches—North and South; it is mutual, is it?

Answer. Yes, sir.

Question. If anybody should say that that bitterness of feeling was all upon the democratic side and none on the other, that would not be the truth?

Answer. No, sir. The fact is that in our town it is about equal. They have separate public meetings to get up subscriptions to advance their interests; they have two separate churches; the Northern church is within one hundred and fifty yards of my residence, and one of our oldest colored men is the minister of it; I think it was this man Lakin who converted him.

By Mr. BLAIR:

Question. Do any of the white people in that region of country belong to this Northern division of the church?

Answer. None in my immediate section. I understood that on the line between Winston and Walker, or Winston and Blount Counties, there were some two or three churches composed principally of whites who, through Lakin, had associated themselves with the Northern conference. When I was in the canvass Lakin preceded me

a few days through a part of the mountain region of North Alabama. But I have understood that those churches have abandoned their connection with the Northern conference; whether it is so or not I do not know; I have heard that they are what they call broken up.

Question. Have you ever heard of the destruction of any of those churches, the burning of any churches and school-houses of colored people, belonging to this Northern conference?

Answer. I do not know that I have; I cannot specify the burning of any church on either side; there may have been instances of that kind, and I may have heard of them, but I cannot locate them now.

Question. A person by the name of James Dorman has been spoken of here, who was whipped and run off in Wetumpka. Is that probably the same man to whom you have referred?

Answer. That is the same man.

Question. You called him Isaac Dorman?

Answer. That is what I called him.

Question. There could not have been two instances of that kind, of persons of the same name?

Answer. No, sir; this is the same one—Isaac W. Dorman.

Question. Have you ever heard anything of a man named Jesse Knight, a preacher, who was shot in Morgan County in 1869?

Answer. I do not recollect such a name. I may say that there was a very ill feeling existing about that time in Morgan County. There were several homicides and assassinations in Morgan County; they were the result of personal feuds. The first killing was that of a young man of the name of Ragland, a lawyer. He was shot while sitting by the side of his wife in his own house. It was charged that a man of the name of Charlton, who was a probate judge there, was the ringleader of a party opposed to Ragland. Several other assassinations and killings took place, but I do not remember the names of the parties. Finally Charlton himself was killed as he was stepping off the cars of the Memphis and Charleston Railroad. Ragland and Charlton both being killed, the feud terminated, and there has been peace and quiet in the community ever since. Ragland was an impulsive man; what his offense was I do not know. Charlton I knew, and he always appeared to me to be a very decent and well-behaved man. Ragland was a democrat, and Charlton was a republican.

Question. Did you ever hear anything in regard to a man by the name of Blair being taken from his house in Vienna, in Madison County, and beaten and mutilated? I think it was stated that the parties who were identified were indicted under the civil rights bill.

Answer. I do not know anything about that case. When did it happen?

Question. It was under the civil-rights bill; I do not know exactly when it occurred.

Answer. I do not recollect anything about such a case.

Question. It has been stated in evidence here, that there were thirty-three indictments, seven for murder and manslaughter, pending in the United States court at Huntsville in the fall of 1870; and that of all these parties under indictment, only two were arrested, the others being at large. Were you a practitioner at that time in the United States court?

Answer. Yes, sir. I know nothing about the number of indictments, nor have I ever heard anything about the failure to arrest the parties.

Question. As you are a practitioner in the court, would not such a condition of affairs probably have been brought to your knowledge, and have arrested your attention? The statement is that there were thirty-three indictments, seven of them for murder and manslaughter, and only two arrests were made.

Answer. I think I should have known of them, because the civil-rights bill and the powers of the court under it were matters of general discussion among the members of the bar, and I think I would have heard of such enormities had they existed.

Question. Of course that was an assumption of jurisdiction which had never previously belonged to the Federal courts, and such a state of things would have attracted the attention of any lawyer practicing at that bar?

Answer. I am very intimate with all the members of the profession there.

Question. You never heard of the circumstance?

Answer. I never heard of it, or anything connected with it. The record, however, would show; it might have escaped me.

Question. Was there opposition made to your assuming your duties as governor after you were declared elected?

Answer. Yes, sir; there was bitter and persistent opposition.

Question. In what form and in what shape did the opposition exhibit itself; I suppose it was generally known that you had a majority returned for you as governor of the State?

Answer. Yes, sir.

Question. I believe your constitution requires that the presiding officer of the senate shall declare the result of the election?

Answer. The returns of the election are made from each county to the presiding officer of the senate. The presiding officer of the senate is required to count them out during the first week of the session of the legislature, in the presence of the two houses. With regard to myself and my election, it was determined to defeat this provision of our constitution; and a bill was filed, praying an injunction to restrain the presiding officer of the senate from counting out the vote for governor and treasurer.

By Mr. VAN TRUMP:

Question. Were other State officers elected at the same time?

Answer. Yes, sir; I will come to that. No opposition was raised against the lieutenant governor, the secretary of state, or the attorney general; it was confined to the governor and the treasurer. Before the election the lieutenant governor, Mr. Applegate, had died; and the presiding officer of the senate was a man by the name of Barr. The injunction was served upon him, and he obeyed the injunction. He counted the votes for lieutenant governor and declared the one receiving a majority of votes as returned, duly elected lieutenant governor; but he would not count the votes for the governor or for the treasurer. He had not, however, made his calculation sufficiently strong and accurate, for the very moment that the lieutentant governor was declared duly elected, he qualified, according to the constitution, and counted the votes for governor and for treasurer, right there and then, in compliance with the requisition of the constitution. It was alleged, or rather it has been alleged, that I had not a majority of the legal votes cast; but at that time it certainly was not contended that I had not. Governor Smith himself, on the day after I reached Montgomery to take my seat, entered into a conversation with me, and sympathized with me upon the responsibility and annoyances to which I would be subjected in that office, and said that he had no doubt that I had a majority of the votes of the State; those were his words. I remarked to him, "Governor, I am very glad to hear you say so, because it is rumored that you intended to resist my inauguration." He went on, however, in a sort of equivocal way, stating that he had a right of course to contest any election if he thought fit to do so; but he left me with the impression, and I so told my friends, that he would raise no opposition to my inauguration. In the mean time, however, this injunction was being prepared. It was charged that there was fraud in the election. If there was fraud I certainly had no knowledge of it directly or indirectly. No friend and partisan of mine ever intimated in the remotest manner that there had been any unfair dealing, or that a single vote had been counted to me to which I was not legally entitled. They charged, however, that on a fair count they would have a majority, assigning as a reason that the box from Russell County had not been counted, which gave Governor Smith 1,125 majority. That, however, was a mere ruse, for the purpose of predicating an application for an injunction. The 1,125 majority claimed from Russell County were the votes of 1,125 colored men from the State of Georgia. At Girard, in the county of Russell, there were two boxes opened; one a box pursuant to the statutory provisions of the law; the other box was opened by a man named Hook, on a bridge that runs from Columbus, Georgia, to Girard. At 2 o'clock in the day the sheriff, a republican, went to Hook and told him that he must close that box or he would put him in jail. He closed the box and carried it immediately to the county seat and took a receipt for it from the probate judge. About midnight the legal box, which really had 225 majority for Smith, was taken up there, and the probate judge refused to receive it, stating that he had already given a receipt for a box.

By Mr. BECK:

Question. Were there any votes for you in the box which was on the bridge?

Answer. There was not supposed to be one. On the next day the judge of probate, the circuit clerk, and the sheriff, whose duty it was made to compare the poll-list with the registration lists and count the ballots, met there. They were all three republicans, faithful republicans; but two of them happened to be honest men, and they refused to count the spurious box. The sheriff and circuit clerk would not count that box, stating that it was a perfect outrage. I am speaking of what I know, because some of the parties themselves told me. We were in this dilemma: the box could not be certified to the officer at Montgomery. They sent immediately for the other box, the one with the 225 majority, but it was not to be found; this was about the second or third day perhaps. Of course the box upon which they claimed 1,125 majority was not to be counted; though upon that they calculated to out-count my vote. There was another reason upon which they based a hope; the county of Washington sent a majority of 600 for me. Instead of addressing the return to the presiding officer of the senate, they addressed it to Lieutenant Governor Applegate. Lieutenant Governor Applegate was then in his grave; but the letter came into his widow's hands, and she carried the return to a leading republican of Montgomery, asking him to carry it to the capital. But instead of carrying it to the capital he told her three days afterward

that he had sent back the return to Washington County. So 600 majority for me was gone there.

By Mr. VAN TRUMP:

Question. That was not counted?

Answer. They were counted afterwards.

Question. I mean at the time of the declaration of the vote in the legislature.

Answer. No, sir. The return from Covington County was mailed, but it never reached Montgomery. I sent a young man to get a duplicate, which he brought, and that showed 500 and odd majority. A return from another county was not forthcoming, and it is not known whatever became of it; that was 200 and odd majority.

Question. A majority for whom?

Answer. For the democratic ticket. My majority, as counted, was about 2,500.

Question. As counted in the legislature?

Answer. I mean the count including Washington, Covington, and the other county.

By Mr. STEVENSON:

Question. You mean if all had been in that should have been in?

Answer. Yes, sir. In that election there were 925 illegal votes given upon the Alabama and Chattanooga Railroad; votes by transient hands working upon that road, from Virginia, North Carolina, and Tennessee. The superintendent of the road marched them up to the registration office, had them registered, and had them pass before them, and he handed them tickets to vote; they voted for William H. Smith for governor, and for the lieutenant governor on the democratic ticket. There were 925 of them who had no more right to vote there than a man in Africa; they were transient workmen there. These votes were counted against me, and not against the balance of the ticket. That is the road in regard to which there has been so much difficulty in relation to bonds. Then it was charged with regard to Sumter County that men were intimidated there, and that Greene County had gone democratic because of the riot at Eutaw. Now I am positively informed, and so believe, that the riot at Eutaw injured us in Greene County not fewer than 500 votes; I am satisfied that the majority for the democratic ticket in Greene County would have been 500 more had the riot not occurred. The question then occurs why, in a colored county, should this democratic majority exist? The answer is simple: Hays, the present member in Congress, had become exceedingly unpopular, and we calculated to carry that district in the congressional race. It was our calculation for weeks, yes, for months, that we would carry that district over Hays. And I have no doubt that when the race is run again by any democrat that Charles Hays will be beaten in that district.

By Mr. [illegible]:

Question. Is Hays unpopular with the white or with the colored voters?

Answer. With the colored voters. In Sumter County, where the great change took place, I expected a change. By marriage, I am related to nearly every large planter in the county; and the negroes I had owned had relations in Sumter County. For two years after the war I had control of three hundred negroes in Sumter County, every one of whom would have traveled from the Gulf of Mexico to the Tennessee line to do me a favor. I had control of one of the largest plantations in Sumter County; I allowed them to occupy three thousand acres of land for three years, without charging them a cent. I expected to carry Sumter County; I would do it to-morrow. In those two counties is where they charged we were disappointed; that is a mistake; to-day I would carry the county of Greene by 2,500 majority; I am perfectly willing that it should go upon record here that I believe so. In Greene County there could not have been any terror or intimidation. The military forces of the United States were there, at every leading precinct in the county, protecting them. I will tell you that the colored population in Alabama are not so easily deterred from the exercise of their franchises; they are not very easily deterred; you may persuade one, but you cannot deter them in bodies. Strange, that in Dallas County, with a large city in its center, and men of powerful influence there, the same reasons should not exist that did in Greene County, or in Sumter. Butler is a large negro county; Madison has 800 negro voters, but I carried it by 600 majority. We have 850 voters in my county, and I did not lose but 125 of them, and was perfectly astounded at losing one of them. I never in my life asked a negro to vote for any one. The negroes of Alabama, as well as anywhere else, know their political rights, and will exercise them. They will be like the whites in that respect; they will get discontented and change, vote for A. to-day, and B. to-morrow.

By Mr. VAN TRUMP:

Question. Change more on men than on measures?

Answer. Yes, sir. Then there is another reason; I have intimated it before. The democratic party now is beginning to electioneer pretty strongly with the colored

people; we are beginning to meet them at least half way; and it is a fact, undeniable in regard to the election in Alabama, that I got 8,000 more votes than Mr. Seymour got, and William H. Smith got 2,000 more than General Grant. How terror could exist in Alabama, under such circumstances, I must confess I do not know. William H. Smith got 2,000 votes more than General Grant, and I got 8,000 more than Seymour and Blair.

By Mr. BLAIR:

Question. That shows that there was a larger vote than in the presidential election?

Answer. Yes, sir.

Question. You say that this bill in chancery was filed, enjoining the presiding officer of the senate from counting the vote; were any other means taken by the incumbent of the office to prevent your inauguration; was there any use of troops?

Answer. Yes, sir; he asked the commanding officer at that time to furnish him with a guard at the capital, which he did.

Question. Was there any unusual concourse of people at Montgomery, the capital, of your adherents, armed, at the time of the contest?

Answer. I never saw an armed man during the whole contest. I myself was not armed. We did not propose to use any arms; we intended to pursue the law, which we did ultimately.

By Mr. VAN TRUMP:

Question. You had some sort of a trial?

Answer. Yes, sir.

Question. Was there, at that trial, any unusual number of strangers?

Answer. No, sir; there were a great many strangers in Montgomery, from the simple fact that the grand lodge of masons held a meeting there at the time, and there was a conference of the church there at the time; but everything was quiet and peaceable. I went up and had an interview with Governor Smith when he resigned his office, and no unkind feeling or bad feeling existed, further than I intended to have the office and he intended to hold on.

By Mr. BLAIR:

Question. You instituted legal proceedings before one of the judges in order to obtain possession of the books and papers of the executive office, and the decision was in your favor, as I understand?

Answer. Well, the governor did not wait for a decision, he gave it up.

By Mr. VAN TRUMP:

Question. In regard to this conversation with governor Smith, of which you have spoken, was it about that time when he surrendered?

Answer. An hour after he surrendered he sent the key down to me.

Question. Did he state that the reason he surrendered was in order to preserve the peace?

Answer. No, sir; he did not say anything about it; but he afterwards wrote a letter, which was a surprise to the parties who were the intermediates in the matter, assigning that as a reason.

Question. He did not assign it in the conversation with you?

Answer. No, sir; the only conversation before he left was one in which he asked me to appoint a justice of the peace for his town, which I did. That is the only time that I did not inquire whether the one to be appointed was a democract or republican. And he also asked to take some records with him.

By Mr. BECK:

Question. It has been stated before the committee that the clerk and sheriff of Russell County were democrats. You stated that they were republicans. What reason have you for believing that they were republicans?

Answer. I never understood them to be anything else; all my information has been to that effect.

By Mr. BLAIR:

Question. Do you know them personally?

Answer. I do not.

By Mr. BECK:

Question. By whom were they appointed, or how did they get into their offices?

Answer. I do not know whether they were appointed or elected at the time the constitution was submitted to the people. Russell County is a republican county.

Question. How are the officers appointed, or elected, who had control of the election between you and your predecessor; and what was the political complexion of the majority of those officers, so far as you understood?

Answer. The officers of the election precincts are appointed by the probate judge,

the sheriff, and the circuit clerk of the respective counties. Those three election officers and the returning officer for each precinct have, I believe, the right to select a clerk.

Question. How were those judges of probate elected?

Answer. They were elected, I suppose, if not all, nearly all of them, at the time the constitution was submitted for ratification.

Question. Is it or not the fact, that at the time of the ratification very few democrats voted at all?

Answer. There was an almost universal abstinence from voting on their part.

Question. Was it or not the policy of the democrats at that time to defeat the ratification of the constitution of Alabama by abstaining from voting, because the act of Congress required that an actual majority of the registered voters of the State should vote at that election?

Answer. That was the policy promulgated from the central committee.

Question. And it was so defeated?

Answer. It was so defeated.

Question. So that the men who are judges of probate are men who were elected by the republicans, in opposition to the democratic policy of staying away?

Answer. I know of but one or two exceptions; one was in my own county.

Question. What I want to get at is this: in a very large majority of cases, the officers controlling the election were men who had been elected, at least, as republicans?

Answer. Yes, sir; nineteen out of twenty.

Question. Have you, in Alabama, any power or right, under your laws, to challenge the right of a man to register or to vote; if so, how do you urge it?

Answer. We are absolutely prohibited from challenging at either the place of registration or the place of voting. And if a foreigner, who had arrived on the shores of America only yesterday, should present himself at the ballot-box to cast his vote, no man can challenge his right to vote.

Question. If you, a citizen of the State, knew the fact to be that he was a foreigner who had arrived only a day or two before, or was just from Georgia, Virginia, or Tennessee, you would lay yourself subject to arrest if you should challenge his vote?

Answer. I would, for it is made a penal offense.

Question. So you have absolutely no means, under your election laws, of preventing illegal votes from being cast, if men choose to cast them?

Answer. That is the law; there is no law on the statute-book to punish illegal voting.

Question. Have your lawyers investigated that question and determined that you cannot reach illegal voting?

Answer. They have.

By Mr. POLAND:

Question. You have no law against illegal voting?

Answer. It is the general opinion of the profession, upon an examination of the criminal law, that there is no law on the statute-books of Alabama to punish illegal voting. We did think that under the broad, comprehensive character of the common law it might be made a misdemeanor.

By Mr. BLAIR:

Question. And you are liable to punishment if you attempt to challenge an illegal vote?

Answer. I think so.

By Mr. POLAND:

Question. To challenge a man's right to vote who has not a vote?

Answer. You cannot challenge at all. A boy of sixteen might come up to the ballot-box and deposit his vote, and no man can challenge him.

Question. And you say there is a punishment provided for a man who objects to such a vote?

Answer. I think it is made a misdemeanor.

By Mr. VAN TRUMP:

Question. What is the public impression in Alabama as to the object of that law; was it to prevent any challenging of illegal votes?

Answer. We thought so; I alluded to it in my message, and asked its repeal.

By Mr. STEVENSON:

Question. Has it been repealed?

Answer. No, sir; I asked the repeal of it in my message in January last.

By Mr. VAN TRUMP:

Question. So there is no law against illegal voting, but there is a law making it a criminal offense for a man to challenge a vote?

Answer. My impression and belief is that it is made a misdemeanor. I would rather see the law. I know that you cannot prevent a man from voting.

By Mr. POLAND:

Question. Have you no triers, no officers to determine a question of that sort?

Answer. No, sir; not at all. I make the broad statement, which I know to be the fact, that in the case of a boy whom you might know to be but sixteen years old, or a man whom you might know to be a foreigner, you cannot prevent either of them from casting his vote.

Question. You have a registration law?

Answer. Yes, sir.

Question. Are your registration officers obliged to register everybody that offers?

Answer. Yes, sir; they have to swear them.

Question. Have they no discretion or judgment in determining who has a right to register?

Answer. My understanding is that they have none. It is a marvelous law, so much so that I called the attention of the legislature to the fact in my message, and asked them to repeal the law.

Question. Do you understand that provision is in the constitution or in the statute?

Answer. In the statute?

By the CHAIRMAN:

Question. Here are the acts of the legislature of Alabama for 1868. Will you turn to the act to which you refer?

Answer. It is the act of October 8, 1868. Section 34 of that act provides: "That there shall be no challenging of electors offering to vote at any election hereafter held in this State, and any registered voter offering to vote at any election in this State shall be allowed to do so without question, challenge, or objection by any person; and any person who questions, challenges, or objects, or who unlawfully hinders or delays any person offering to vote shall be guilty of a misdemeanor, and on conviction shall be fined five hundred dollars, and on failure to pay the same shall be imprisoned in the county jail for six months."

Question. Is there a provision against any citizen challenging the right of a voter to be registered? May any citizen go before the registrar, and contest the right there, when a voter offers to register?

Answer. My impression is, that he has no right there, but I would prefer to refer to the law. I see by reference to section 4, of the "Act to provide for the registration of electors," that it is provided "that it shall be their (the registrars') duty to enter, or cause to be entered, in a book, the name of every person qualified to vote under the constitution of this State and the acts of the legislature thereof; and before entering, or causing to be entered, such name, they shall require the person applying to be registered to subscribe to the oath prescribed in section 4, article 7, of the constitution of this State." That is the only provision that I see, directory as to the registration.

By Mr. STEVENSON:

Question. The oath referred to covers the qualifications?

Answer. I believe so; I do not remember the language of the oath.

By Mr. BECK:

Question. Under the law of Alabama, have not the registrars the right to keep open the registration of voters up to and during the day of election?

Answer. That is my recollection.

Question. Have they the right, or do they exercise the right, of keeping the registration open near the same place where the voting is going on, so that a man could register his name, and in a minute, or by going twenty steps, give his vote if he sees fit?

Answer. Yes, sir; I have seen that done.

By Mr. STEVENSON:

Question. You say the bar of the State have not been able to find any law under which they believe they can punish a man for illegal voting. Is there not a law under which he can be punished for illegal registration?

Answer. Yes, sir; there is a very heavy penalty for that.

WASHINGTON, D. C., *June* 17, 1871.

Governor ROBERT B. LINDSAY, examination continued.

By Mr. BECK:

Question. Will you state whether the legislature that passed the election laws now in existence in Alabama was the legislature that was elected at the time the constitution was declared adopted?

Answer. It was the same legislature, composed of the same members.

Question. State how many in that legislature, if any, were democrats, or claimed to be democrats.

Answer. In the senate, composed of thirty-three members, there was one democrat; in the house, composed of one hundred members, I think there were perhaps ten or twelve who claimed to be democrats. I was thinking that perhaps I could name them, but I do not think I can.

Question. All except ten or twelve of the house of representatives were republicans?

Answer. That is my recollection; I may be mistaken about the number, but that is about the proportion.

Question. What was the provision of law or of the constitution with regard to the senators elected under that constitution holding their seats? And please state, without any further questions, how that senate have acted with regard to holding or giving up their seats, in reference to the constitutional provisions upon that subject.

Answer. I do not recollect the precise language of the constitution. But my recollection is that it provided that the representatives should be elected for two years, and the senators for four years; that one-half of the seats of the senators first elected should be declared vacant at the end of two years; thus providing, just as in the United States Senate, for a continuation of a certain number of members of the senate; in other words, providing that one-half only of the members of the senate should be newly elected at any one session of the senate. An election was ordered for representatives last November.

By Mr. BLAIR:

Question. In accordance with the constitution?

Answer. In accordance with the provisions of the constitution. At the legislative session before the last, or prior to the election of November last, the question was presented, discussed, and voted upon as to whether the senators should draw for the long and the short terms, according to the spirit, if not in accordance with the letter of the constitution. The senate decided not to draw, but to hold over, which they did. In accordance with that conclusion, the senate remained and acted as a senate at the last session of the legislature, and will do so at the next session.

Question. That will give a portion of the senate six years for their term?

Answer. No, sir, not six years—yes, I believe about six years; in fact, all of them.

Question. If they draw now, those who draw the short term will go out at the end of four years, and the other half will hold over for a term of six years; and if they do not draw for seats now all of them will hold over?

Answer. The senate hold, under their peculiar construction of the constitution, and I think that the letter of the constitution is susceptible of that construction. I have no hesitancy of saying that the spirit of the constitution and the other provisions of the constitution are all adverse to that decision. If I had the constitution here I could point out the peculiar phraseology of it. If their construction of the constitution was correct, which we practically now have to admit, they having held over under it, the entire senate goes out in 1872. Their construction and that construction must stand or fall together.

Question. That is to say, the prohibition of a limitation of the term of four years must control their construction?

Answer. Yes, sir; and the drawing of the senate shall only take place after the next election of the entire senate. It was upon that construction that they held, for the constitution says, as I remember, that an election for senators shall take place in 1872; hence that construction they put upon it.

By the CHAIRMAN, (Mr. POLAND:)

Question. They held that all of the first senate hold for four years?

Answer. Yes, sir; and I have no hesitancy in saying that the letter of the constitution is clearly susceptible, to my mind, of that construction; and that all go out in 1872, if that construction is correct.

By Mr. BECK:

Question. Will or not the fact whether they will go out or not be determined upon their own decision, hereafter to be made, whether they will go or not?

Answer. It has been intimated that they are determined to draw at the next session of the legislature.

Question. Have they not the power, as a matter of fact—I do not speak of the right, but the power—to adopt that course?

Answer. I do not know how much power usurpation of that character would be; but it certainly would be contrary to the letter and spirit of the constitution for the senate to hold over, some of them, for nearly seven years, when they were elected only for four years, according to the strict letter of the constitution. I must say that I do not apprehend anything of the kind. I believe all the senators will be elected, and all the

members of the house will be elected at the next election. I will not anticipate one of those usurpations until it comes.

By Mr. BLAIR:

Question. Among the members of the senate, who was the presiding officer before the new lieutenant-governor was inaugurated?

Answer. Immediately preceding that the presiding officer was a Doctor Barr, a senator from Wilcox County.

Question. Are any of the present senators holding office under the United States?

Answer. Yes, sir, several. The senator from Washington and Choctaw Counties is a district revenue assessor or collector, I do not know which; but he is a revenue officer of the United States Government, with his headquarters at Mobile. I think at the last session of the legislature, near its commencement, he appeared in the senate for a day or two, but his official duties kept him away for the balance of the session.

By Mr. VAN TRUMP:

Question. Is there not a Mr. French a senator and a federal officer also?

Answer. No, sir; Mr. Yordey, the senator from Sumter County, is also an officer in the custom-house at Mobile, and, as I understand, his home is in Mobile. I asked some of the citizens of Sumter County if they knew Senator Yordey, and they said that they had never seen him in the county, and did not know whether he had ever been in it.

By Mr. POOL:

Question. How many counties does he represent?

Answer. Sumter alone. Sumter is a large county. There is another senator—however, he is not an officer of the Government; he is a mail contractor, which is recognized by our laws. Our constitution positively prohibits——

By Mr. BLAIR:

Question. The holding of any office of profit and trust under the Government of the United States by a member of the legislature?

Answer. Yes, sir; with the exception of mail contractor, and, I think, postmaster.

Question. Are there senators who are disqualified by reason of non-residence within their districts?

Answer. The senator from Jackson County is not a resident of the State at all.

Question. Who is he?

Answer. His name is Whitney. He resided in Jackson County for a short time, at or about the time when the election took place. Since then he has been a resident of Chattanooga, Tennessee. That I know, for I intimated that I would issue an order for an election to supply the vacancy, and he came to see me about it. I would have done so, but I was satisfied that the senate was the judge of the qualifications of their own members. His business is all in Tennessee; he is building a little town of his own there, on the line of the Alabama and Chattanooga Railroad.

By Mr. VAN TRUMP:

Question. Is he a Northern man?

Answer. Yes, sir; he is a very sharp, energetic fellow. I think that he was a telegraph operator once.

By Mr. BLAIR:

Question. Does he represent the county by telegraph?

Answer. He represents Jackson County. Some of the citizens of the county spoke to me in regard to it, and asked me what could be done. I told them I did not know anything that could be done, that the senate was the judge of the qualifications of its members, and that I had no power over it.

By Mr. BECK:

Question. Are these all you think of? If so, I will ask you another question.

Answer. I do not know any others that I can name at present; these are within my knowledge.

Question. Did or not the people of Alabama, after having defeated the adoption of the constitution in the mode prescribed by the reconstruction acts of Congress, and after Congress had on application refused to impose it upon them, feel, when it was imposed upon them subsequently, by the passage of the omnibus bill, that they had been more harshly treated than any other State in the South; and did or not that aggravate your people more than the people of any other State?

Answer. Well, as to the comparison between the people of Alabama and other Southern States, that I am not prepared to answer. But with respect to the simple fact of the people of Alabama feeling aggrieved, I can say that they were. They believed that they had quietly and peaceably complied with the strict letter and spirit of the reconstruction measures. The constitution was obnoxious to them in many respects, but

especially the disfranchising portions of the constitution. They believed that the policy to be adopted, in order to secure its defeat, was to keep away from the polls on the day of election. There was a great deal of sorrowful feeling on the part of the people of Alabama when that constitution, with its disfranchising and other obnoxious clauses, was imposed upon them by the Congress of the United States. It was a silent, but none the less a deep feeling, I might say almost of sorrow, not of revenge.

Question. You remember that that constitution was first rejected by Congress, upon motion of Mr. Stevens himself, because it had been defeated by the people of Alabama, and it was recommitted to his committee?

Answer. Now that you speak of it, I think I do; I cannot speak accurately.

The CHAIRMAN, (Mr. POLAND.) I believe it was recommitted on my motion.

Mr. BECK. I believe it was; but you made that motion after Mr. Stevens had said that upon that exposé he would not support the constitution.

The CHAIRMAN, (Mr. POLAND.) It was on my motion, in concurrence with Mr. Stevens.

Mr. BECK. I believe it was.

Question. What I want to get at is, whether after defeating the adoption of the constitution in strict accordance with the reconstruction acts, the people of Alabama did not feel seriously aggrieved that the members of the first State legislature and other State officers should be imposed upon them afterwards, as they were by the omnibus bill?

Answer. That last fact which you state was the cause of the greatest annoyance and feeling to the people of Alabama. If they had anticipated such action on the part of Congress, they would have pursued a different policy; would have run their candidates for office, thereby softening the obnoxious part of the constitution through the administration of the laws and the constitution. But they entirely abstained, with one or two exceptions, from running candidates; and the offices were filled by default, by every Tom, Dick, and Harry who saw fit to announce himself as a candidate.

Question. Is it the fact that many of the State officers, members of the legislature and senators, would and could have been defeated, if it had not been believed that under the reconstruction acts they would be defeated by staying away from the polls?

Answer. I am satisfied that the house of representatives would have then been democratic; the senate might not have been, from the simple fact that the senatorial districts were set forth in the constitution in a manner which we understand by the term gerrymandering. They would give one county a senator, and to four other counties, with nearly three times the population, only one senator.

Question. Do you remember whether or not, to give you a special case, that at least one member who came to Congress from Alabama, General John B. Callis, after the constitution of Alabama was rejected in the spring, went on to Jackson, Mississippi, with his command, and was there serving as an officer of the Army when the omnibus bill was passed, and he then came here and took his seat as a member of Congress from Alabama? In other words, he was not a citizen of the State at all?

Answer. I know nothing about the movement of Callis to Mississippi; but I do know that he was in command at Huntsville, Alabama, subsequent to that time, because I was in correspondence with him relative to a difficulty that arose in connection with the Freedmen's Bureau.

Mr. BECK. I do not know how far this is competent; here is Callis's own testimony in the Mississippi case, in which he swears that in the June succeeding the February when the constitution was voted upon, he was in command at Jackson, Mississippi. I may perhaps be permitted to show it to you.

The WITNESS. What is the object of submitting this to me?

Mr. BECK. My object is to ask what you know as to whether General John B. Callis, member of Congress from Alabama in the Fortieth Congress, who took his seat because of his election at the time of the vote upon the adoption of the constitution, was in fact not a citizen of Alabama at all, but an officer in the Federal Army, and as such under the command of General Gillem. The witness can say that General Callis has himself so sworn, as he sees by reference to this document.

Mr. POOL. I do not wish to be understood as objecting, but I simply make the point as to how much testimony taken before committees of the House of Representatives shall be incorporated into our report.

Mr. BECK. If this is to be the effect of it, I do not wish to do so.

The CHAIRMAN (Mr. POLAND.) I understand that Mr. Beck desires only to show this to the witness for the purpose of refreshing his memory, so that he may be able to state whether such is the fact.

Mr. BECK. That is what I desire.

Mr. POOL. I understood Mr. Beck to say that he wanted the witness to testify that General Callis had sworn so and so.

Mr. BECK. That is what I want.

Mr. POOL. That certainly opens up the question to which I refer.

Mr. VAN TRUMP. This is a legal document, and as such is as competent as any legal document would be offered in evidence in court.

The CHAIRMAN (Mr. POLAND.) To the extent that Mr. Beck offers it now I do not think there can be any objection to it, merely for the purpose of refreshing the recollection of the witness.

Mr. COBURN. I understand that Mr. Beck disavows that purpose.

Mr. BECK. I stated that I wanted to go a step further than to refresh his memory: however, I will withdraw it.

By Mr. BECK:

Question. Do you know whether several persons who took offices, because of the so-called election at the time the constitution was voted upon, were in fact non-residents of the State at the time Congress, in the June following, passed what was known as the "omnibus bill," admitting the State of Alabama along with others? And do you know whether, after the vote upon the constitution, they actually left the State, and returned to it when they found that the omnibus bill had passed, and then claimed their offices?

Answer. I have no personal knowledge of the locality of any one of them; but I have heard it again and again charged that many of them returned from their homes in the North to take offices after the adoption of the constitution of Alabama by the Congress of the United States.

Question. After the passage of the omnibus bill?

Answer. Yes, sir, I suppose so.

Question. Will you state whether or not that state of things produced a great deal of feeling, and an impression of bad treatment, on the part of the people of Alabama?

Answer. Well, the people of Alabama did not approve of it, by any means; and the feeling toward those parties was certainly not of a very kind character. Hence the term that was applied to them, especially at that time, of "carpet-baggers." They came down there just merely for the purpose of holding the offices, and for no other purpose.

Question. In that connection state to what class of persons the term "carpet-baggers" is applied.

Answer. Just precisely to that class I speak of; and hence I used it in that connection. It was applied to those men who returned to take possession of the offices; men without any interest in the State of Alabama, mere adventurers who had no interest and no feeling with the people of the State. It did not apply to the genuine settlers in the country.

Question. No matter where they came from?

Answer. No matter where they came from; whether from the shores of Lake Superior, the shores of Lake Michigan, the State of Massachusetts, or the State of Vermont. We have such settlers scattered all over my section of the State, and they are treated kindly; and, by the by, they seem to have taken very kindly to us, a great many of them. On the other hand, we had men who came there, as is well and significantly stated, with nothing but a small carpet-bag in hand, to hunt office, which they got by the non-action of the people of Alabama. To that class the term "carpet-bagger" is confined.

By Mr. VAN TRUMP:

Question. I wish to submit this proposition to you, governor, for your consideration: While this committee was organized for the purpose of investigating and reporting upon the disorders which are supposed to exist, and the unpunished crimes which are alleged to have been perpetrated in the Southern States, as a correlative of the duty imposed upon us, we are, as I think, also authorized to inquire into the causes which have produced this state of things, if such is the fact. Now I wish to know your opinion, from your long residence among and intimate connection with the Southern people, and as the chief executive magistrate of one of those States, whether or not, after the Southern people in arms submitted to the supremacy of the Federal power, if the spirit of the terms of capitulation between Sherman and Johnston and Grant and Lee had been observed in the subsequent Federal legislation, the Southern people, as a general thing, would not have cheerfully, or at least quietly and honestly, assumed their old status in the Union, even with slavery abolished; and outside of the social and inevitable demoralization which belongs to civil war, common to the North as well as to the South, would not law and order have been the rule, and individual crime the exception as in all civil communities? This is a long and, perhaps, theoretical question; but I want your full and deliberate views in answer to it.

Answer. The question is a lengthy one, and a very pertinent one. I will answer it as briefly as possible, and give my views, based upon my experience, both as a citizen and as an office-holder in the State of Alabama. My opportunities of knowing the sentiments of the people of Alabama I conceive to have been exceedingly good. I was elected, immediately after the war, to represent a portion of North Alabama, in the State senate, and there had an opportunity to ascertain the feelings and sentiments of the people, not only of the section I represented, but of the various sections of the State. And I may say now, what I thought then, that the readiness and willingness

of the people of Alabama, as well as of the other Southern States, to submit to the order of things that ensued subsequent to the war was marvelous beyond conception, and certainly without a parallel in the history of any nation I ever read of. I looked upon it not only as a submission, a forced submission, to the power of arms, but I absolutely thought that a spirit of willing gladness to return to the Union prevailed among the people of the State, especially among the people of my section of the State. There were a few exceptions, I will not deny, a few Hotspurs who were reluctant to acknowledge defeat, a few men wild and crazy enough to think that something might turn up that would yet bring them victory; but they were few and isolated exceptions. The body of the people, according to my conception—I am speaking especially with regard to North Alabama: I speak also with regard to South Alabama, but especially with regard to North Alabama, my own section—the body of the people readily realized the condition of things and willingly submitted to it. And I have no hesitation in saying now, what I have said upon the stump, that at the end of two years the Union feeling of the country had become strong. I was in the legislature for two sessions and knew what that sentiment was. The constitutional amendments came upon the legislature, and first aroused opposition subsequent to the war; especially that amendment, and in fact that only, that imposed disabilities upon and disfranchised a large portion of our citizens; the fourteenth amendment I believe it was called. I was in the legislature at the time that amendment was submitted. That legislature comprised a majority who had been anti-secessionists. Of the senate, of which I was a member, probably one-third of the members were those who had supported the Bell and Everett ticket before the war; one-third had supported the Douglas ticket, and perhaps one-third had supported the Breckinridge ticket. Fully two-thirds of the senate had been anti-secessionists. That amendment was not only objectionable to, but it was promptly rejected by the senate, because it imposed disabilities upon two-thirds of the senate, and that two-thirds persons who had opposed a dissolution of the Union. It was the general sentiment, I know it was my own, that we would never be instrumental in imposing upon ourselves political degradation. I remember an expression that was used, that "we would not commit political suicide to save others from committing political murder;" that was the expression. I mention that to show the feeling that animated those who rejected the fourteenth amendment. I do it to show that it was not a feeling of opposition to the Government of the United States, nor to the Union, nor to the Constitution, but simply because it was an odious measure of degradation upon the very parties who had striven against a dissolution of the Union. Nine out of ten there who had opposed secession had been office-holders under the old democratic government of Alabama, while the leading secessionists were new men, who had never held office, or who, to a great extent, had never held office in the State of Alabama. Mr. Yancey, their leader, had been elected to Congress only once, and could not gain that position the second time. He and his followers had not been office-holders, and consequently did not come within the purview of the disqualifying clauses of the amendment. Hence the odium, I say, that attached to it among the very men who had tried to be faithful to the Government and Constitution of the United States prior to the war. A feeling friendly toward the Union was gradually growing up; the recollections and asperities of the war were rapidly passing away, when that amendment, and then the reconstruction measures which rapidly followed, came upon us. I think those measures had a very unhappy and unfortunate effect at the time upon the people of the South.

Question. Now, superadded to this general legislation of Congress, commonly known as the reconstruction policy, and, indeed, as a prominent part of it, was not the manner in which negro suffrage and negro equality was forced upon the Southern people one of the most torturing instruments of degradation which could have been inflicted upon them by a conquering power, actually placing them under the political control of another race, their former slaves, in numerous localities of the South; and looking at this unparalleled condition of things, as far as we can, from their social and political standpoint, is it not a marvelous fact, outside of these enumerated cases of local outrage and lawlessness, that the southern people, as a proud-spirited and even haughty political body, have been so patient and enduring?

Answer. The investing of the negroes with the political franchise and the right to hold office, all this to a people whose slaves those negroes had been, was necessarily a measure fraught with very unpleasant consequences, to say the least; but when taken in connection with the fact that while the negro obtained the right of voting and of holding office, hundreds and thousands of the leading men, of the trusted citizens of the State, were disfranchised and disabled from holding office—the two taken together, I say, were well calculated to arouse the feelings of the Southern people and cause them to attribute to the Government of the United States a design to degrade them, instead of elevating the negro.

Question. Whether that was the intention or not, was not that the result?

Answer. That was the result. For example, notwithstanding my political antecedents, at the first election after the adoption of the reconstruction measures four negro

men whom I had in my employ walked out of my yard and spent the day in a political carnival and had the right to vote, while I had to remain at home powerless to aid or to defeat by my vote any man or any measure that was to be decided upon by that election. That was not well calculated, I say, to harmonize my feelings to the measures that deprived me of the right of voting; and it was with others as with me.

Question. One other question; even now, would not general amnesty and an equal participation in the blessings, as well as the obligations, of civil government vouchsafed to the Southern people have a strong and happy tendency in restoring fraternal relations between the North and the South?

Answer. The people of the South are an impulsive people; they are an exceedingly generous people. They are quick to be offended, but they are as ready to forgive. My experience has been that rarely do the people of the South, and the farther south the less so, cherish implacable hate or obstinate animosities. They will strike and forgive in almost the very same instant of time. Hence every kind act, every generous and benignant act on the part of the Government of the United States, has never failed to meet a quick and ready and thankful response from the people, within my knowledge. The very fact that it has been retained long from them absolutely increases the enthusiasm which which it is received when given. Hence I believe that universal amnesty, placing all the white men of the South upon an equality with all the white men of the North, would be not only the most gracious measures that Congress could adopt, but I believe it would go further in recementing the old ties of Unionism in this country than anything else I could imagine. You cannot get human nature to hug its own chains. I know myself that when my disabilities were removed, through the influence of Senator Spencer, I felt a new man. I know what I felt—I felt new ties binding me to the Government of the United States; I felt that I had an interest at stake; I felt that I could walk into any State of the Union as a citizen, rehabilitated with all the privileges and immunities of a citizen. But until then, I must confess, I did not see what special interest I had in a Government that did not allow me to have a voice in it.

By Mr. BLAIR:

Question. Is it not a source of dissatisfaction to all the people ——.

Answer. Allow me; in that connection, for it is a very important one, I would like to say one thing. I mentioned the readiness with which the people of the South forget and forgive. As an instance of their readiness to accept the condition of things, as imposed upon them by Congress, I may mention that in December, 1868, I wrote a letter, which was given to the public, reviewing the entire situation—that, I think, was in December, 1868—reviewing the entire situation, referring particularly to the manner in which the amendments to the Constitution had been adopted, and the reconstruction measures passed; but at the same time urging upon the people of Alabama to accept the situation, to honestly accept the situation, and go to work, and work out both their material and political salvation under the Constitution as it was. In that letter I urged upon them the absolute necessity, not only on their own account, but on account of the colored race, to do everything in their power to educate and elevate their minds. That letter appeared in December, 1868, or in the beginning of 1869, and it was canvassed and discussed throughout the entire State of Alabama, and upon that letter I received my nomination for governor of that State. The people of Alabama are willing now to take things as they are; reclothe us with full-fledged citizenship, and there will be no difficulty. No doubt there will be crimes committed there as everywhere; however, I do not think that is necessary.

Question. Those disabilities attach to prominent citizens, whose prominence is due to the confidence that their fellow-citizens had in them prior to the war and during the war?

Answer. Yes, sir.

Question. Is it not a source of dissatisfaction to the entire community that the men in whom they have placed their confidence, and who still have their confidence, should be under disabilities? Is not that sentiment a common sentiment, and one that extends to the entire white population of the State?

Answer. There is no question of it.

Question. This feeling of discontent on this ground is not confined to those who are themselves under disabilities, but it extends to their fellow-citizens, who dislike to see men, and all the men, who have had their confidence, placed under disabilities?

Answer. It extends to all the citizens, especially when they come to select men to fill offices. In a great many instances they have to take inferior men, because of the impossibility of finding men capable of holding office under the Constitution and laws of the country.

Question. In your testimony yesterday, in speaking of the contest made for governor at the time of your own election, you alluded to a number of men along some line of railroad who were not residents of the State at all; I believe you said some nine hundred were taken up and voted by the contractors on the road. What road was that?

Answer. The Alabama and Chattanooga Railroad.

Question. You mentioned that there had been some difficulty in regard to some bonds to be given to that road, which induced this action on the part of the contractors. I want you to explain what was that bond matter which induced those contractors to be so active in their efforts to reëlect Governor Smith?

Answer. During the canvass we suspected that there was some collusion between Governor Smith and J. C. Stanton, the superintendent of that road, to secure Smith's reelection at all hazards and at any expense. It was believed that the special effort of Stanton was to cover up the malpractice of Smith in the issuance of bonds; that was firmly believed by myself and by the citizens generally. Since my election that belief has been entirely confirmed.

Question. What was that malpractice?

Answer. Under our railroad system, all railroad companies in the State are entitled to $16,000 a mile of their bonds indorsed by the State; or rather to have their bonds indorsed by the State to the amount of $16,000 a mile.

Question. For the construction of new railroads?

Answer. Yes, sir. After the first twenty miles are finished, and not before, they are entitled to a State indorsement of $320,000 of their bonds, and then to the indorsement of $80,000 of their bonds upon the completion of every five miles thereafter, until the road is finished.

Question. Are the roads entitled to this benefit designated in the law?

Answer. No, sir; it is a general law.

Question. Applicable to all railroads?

Answer. Yes, sir. The Alabama and Chattanooga Railroad, I have since discovered, when completed, would be entitled to the indorsement of $4,720,000 of their bonds, but only when completed; it is two hundred and ninety-five miles long. At the time that Governor Smith went out of office they did not profess to have finished but two hundred and fifty miles, forty-five miles being still unfinished. I know that they had not finished that number of miles. Yet, notwithstanding the fact that by their own acknowledgment forty-five miles of their road were unfinished, Governor Smith had indorsed the entire $4,720,000 of their bonds, and also $500,000 of bonds the indorsement of which they never would be entitled to.

Question. And had delivered those bonds to the contractors?

Answer. Had delivered them to the contractors, signed by his name and with the great seal of the State attached thereto. I have seen some of the bonds.

Question. Hence the activity of the parties in interest to secure the reëlection of Governor Smith?

Answer. That is what we thought.

Question. And hence they resorted to this large number of illegal votes?

Answer. That is what we believed. Stanton was said to have furnished the means for election purposes.

Question. Has the road been completed since?

Answer. It has not.

Question. It is not finished now?

Answer. No, sir.

Question. And the State indorsed bonds are all issued?

Answer. They are all issued.

Question. Are there any other instances in your State of similar transactions by the officials in illegally indorsing railroad bonds?

Answer. That we do not know, from the simple fact that no other railroad has made default in the payment of interest on the bonds.

Question. No other road?

Answer. No, sir. It was only through the default of the Alabama and Chattanooga Railroad Company that we were enabled to discover it in that case.

Question. Is there not kept a record of the bonds in the proper State offices?

Answer. No record; not a line of a record has been kept.

Question. Does not the law require that such a record should be kept?

Answer. I cannot say that it does. The law was all penned for the benefit of the railroad companies, not for the benefit of the State.

By Mr. BECK:

Question. When was that law passed?

Answer. A law was first passed in 1867, while I was in the legislature, with very strict provisions, providing for the indorsement of $12,000 a mile. At the subsequent session of the legislature, in 1868, the amount was increased to $16,000 a mile, and in the case of one road to $22,000 a mile.

By Mr. BLAIR:

Question. You say the law of 1867 allowed the indorsement of these bonds, but under very strict provisions?

Answer. Yes, sir.

Question. Were those provisions done away with by the subsequent legislation?

Answer. It would be hard to tell what were the subsequent amendments; they were so mixed and so susceptible of this and that construction that it would be hard to tell what they were without reading the law just as the occasion required one to investigate it.

Question. I understand you to say that there were at first strict provisions in reference to the issuance of these bonds; and you also say that the law as it now stands does not require even a record or register of the number of bonds that have been issued?

Answer. I do not think it is required in regard to the indorsed bonds.

Question. Was it ever required?

Answer. I do not know whether the law of 1867 required it or not; I do not think it did. I do not think such a requirement is necessary; I think it was a part of the executive's duties to keep a record of his own official acts.

Question. It is impossible, then, for you, as the chief executive of the State of Alabama, to ascertain now the actual liability of the State on bonds that have been thus indorsed?

Answer. I can only approximate their number from the number of miles of road built. But that would not be a certain guide, from the simple fact that Governor Smith, in his message, upon his retirement from the office of governor of the State, positively and unequivocally declared that he had indorsed only $4,000,000 for the Alabama and Chattanooga Railroad. That was on the last, or nearly the last, day of his official life.

Question. And you have since ascertained that he had indorsed $1,300,000 more for that one railroad than he stated in his message?

Answer. Yes, sir; there is no question of that; that is certain.

Question. What was the amount of the State indebtedness at the end of the war?

Answer. It was between three and four millions, exclusive of accumulated interest. That accumulated interest was funded, by the issuance on the part of the State and the acceptance on the part of the bondholders of new bonds for the unpaid interest.

By Mr. POOL:

Question. How much did that funded interest amount to?

Answer. All the indebtedness incurred up to the time of reconstruction—I use that limit of time because money had to be borrowed to carry on the government immediately after the war—the whole amount of what we call the direct indebtedness of the State of Alabama was $5,300,000, or thereabout.

Question. Including the funded interest?

Answer. Yes, sir; the principal and funded interest.

By Mr. BLAIR:

Question. What is the debt now, as near as you can approximate to it?

Answer. The direct debt of Alabama has been increased by only about $3,000,000, making between eight and nine millions of dollars.

Question. And the liabilities?

Answer. The liabilities, I suppose, will amount to about $12,000,000 more.

By Mr. POOL:

Question. What do you mean by liabilities?

Answer. Liabilities by indorsements. Under the present indorsement laws of the State, the liabilities, by the time the roads are finished and they become entitled to the State indorsement under the law, will amount to $30,000,000; the completion of the roads now entitled to indorsements will increase the liabilities of the State to somewhere in the neighborhood of $30,000,000.

By Mr. STEVENSON:

Question. You mean when the roads are finished?

Answer. Yes, sir; they are entitled to it and getting it every day.

By Mr. BLAIR:

Question. Is there any security given to the State for these liabilities?

Answer. Under a general law the State is entitled to a statutory lien, or a statutory first mortgage, I may designate it; in some instances, upon default by the railroad companies in the payment of the interest or the principal of the bonds, it would have the right to seize the roads.

Question. Is that the case in regard to Stanton's road?

Answer. That is the case with regard to Stanton's road; but it may be mentioned that Stanton's road extends into four States, commencing in the State of Tennessee, and terminating in the State of Mississippi. Our statutory lien is certainly valid to the extent to which the road runs in the State of Alabama.

By Mr. POOL:

Question. What extent is that, in number of miles?

Answer. Really I could not speak positively with regard to the exact number of miles; I should suppose about two hundred and fifty miles; that is my impression.

By the CHAIRMAN, (Mr. POLAND:)

Question. This $16,000 a mile is not guaranteed for any part out of the State?

Answer. Yes, sir; for twenty miles outside, at their terminus. With regard to the Alabama Railroad there is an additional security, and that is a deed of trust made directly to the bondholders.

By Mr. STEVENSON:

Question. To the holders of the bonds indorsed by the State?

Answer. Yes, sir; a deed of trust conveying to trustees all the property in the road from Chattanooga to Meridian. That deed recognizes the priority of the lien of the State of Alabama. I think that if the property is there the security of the State is valid.

By Mr. BLAIR:

Question. But inasmuch as many of those bonds were indorsed for which there was no road built, and there has been none built, the property is not there?

Answer. It is not there. I will further state that, in addition to this $16,000 a mile of indorsements, the legislature of Alabama authorized the issue of two millions of the direct bonds of the State and gave them to this road.

Question. Without any security?

Answer. None upon the road, but upon the lands. That law, authorizing the issue of $2,000,000 of the direct bonds of the State, required the governor of Alabama to issue them "from time to time"—that in the language of the law—"from time to time, as the road was completed."

Question. Completed by sections?

Answer. No, sir; the word "sections" was not used; "from time to time, as the road was completed." I have no doubt that "sections" was contemplated, because it provided that the issuance and delivery of the bonds should cease in the event that the road was not completed by a certain time. Governor Smith, however, regardless of that provision, issued all of those bonds upon one day, the entire $2,000,000 of bonds, and placed them in the hands of the company in the latter part of March, 1870. The result has been nothing but disaster to the road and to the State. There are a thousand men to-day on that road in a starving condition, without a mouthful to eat, the road in bankruptcy, and in the hands of the custodian of the district court; all from the fact that these bonds were issued prior to the time when they should have been issued. If they had been issued as the road was completed there would now be means in the hands of the parties to pay their employés.

Question. Then, as I understand it, you conceive that those bonds were not applied to the construction of the road?

Answer. No, sir; not at all; the party built a fine hotel in Chattanooga, and laid the foundation of an opera house.

Question. Like Fisk, of the Erie?

Answer. Precisely, upon a similar scale. He is a man of wonderful energy, that Stanton.

By Mr. POOL:

Question. What is the security for that $2,000,000?

Answer. A first mortgage upon all the lands granted to that road by the United States.

Question. Is it ample?

Answer. I think it is, if we can ever realize on it.

By Mr. BLAIR:

Question. Are the lands contiguous to the road?

Answer. They are confined within a limit of ten miles on either side of the road.

Question. And if the road had been completed the bonds would have been of much more value than now?

Answer. Yes, sir.

Question. Then, if I understand you, had the bonds been issued in accordance with the law, and the road had been completed, the security to the State would have been much better?

Answer. Certainly. If the bonds had been issued according to law, the road would have been completed to-day, and been one of the finest enterprises on the continent. As it is, it is in ruins, and may prove disastrous to the State of Alabama.

By Mr. STEVENSON:

Question. How many of those bonds would be now issued if they had been issued as you claim they should have been, only as the road was completed?

Answer. From my information, I think there are fifty miles of the road uncompleted, according to the requirements of the law.

Question. About one-sixth of its entire length?

Answer. Yes, sir; they are running over it, but there is only a temporary track.

Question. Then about five-sixths miles of the road, two hundred and fifty out of two hundred and ninety-five miles, have been completed?

Answer. Yes, sir.

Question. That proportion of the bonds would now be issued if the issue of them had been made strictly according to the law?

Answer. Yes, sir; I paid the interest on the bonds.

By the CHAIRMAN, (Mr. POLAND:)

Question. The other portion is so far built that they are running trains over it?

Answer. Yes, sir; as governor of Alabama I have recognized bonds for two hundred and fifty miles.

By Mr. STEVENSON:

Question. When you say "temporary track," do you mean that the track is not laid as it should be?

Answer. A part of it is only temporary, carried around the cuts, &c.

Question. The fifty miles which you say is unfinished is well finished, except in regard to the difficult parts, the cuts, &c.?

Answer. No, sir, it is not. About fifty miles is not finished at all permanently; that is what I understand, for I have not been on the road.

Question. Is that fifty miles on the direct route of the road, except in regard to the cuts and fillings?

Answer. I think it is.

Question. The road has not been fully ballasted on that part?

Answer. I think it has not.

By Mr. VAN TRUMP:

Question. Is Governor Smith a native of Alabama?

Answer. I understand that he is a native of Georgia.

Question. He is not a carpet-bagger, in the proper sense of the term?

Answer. He is not. I sat in the legislature of Alabama with him eighteen years ago, I think.

By Mr. STEVENSON:

Question. You do not call a man a carpet-bagger if he goes from Georgia to Alabama?

Answer. No, sir; we do not call a man a carpet-bagger if he comes from Massachusetts to Alabama. I would be a carpet-bagger myself under such a rule. The term "carpet-bagger" is not applied to a citizen who makes his permanent residence in the State.

By Mr. POOL:

Question. You spoke of your inability to find out the number of those bonds that had been issued. You mean, I suppose, that you cannot find out from the records. Might you not find out by calling the officers before you, Governor Smith and others, and having an investigation, putting them upon oath?

Answer. No, sir.

Question. Why?

Answer. Because no officer in the present government knows anything about them. On discovering that there was no record of the number of the bonds, or of their character, indorsed and signed by Governor Smith, I telegraphed to his private secretary, who went out of office with him, asking if there was any record of said bonds. His reply was, "None other than the certificates of the railroad presidents on file." Upon examination of the files I discovered that the certificates of the presidents afforded no information. I found one in somewhat of this style: "This is to certify that five more miles [of the road named] has been finished." That was the certificate on file, and it afforded me no information. I do not believe that Governor Smith really did know the exact number of bonds he signed.

Question. Suppose you were to summon, before an investigating committee or any other tribunal, Governor Smith, the railroad presidents, and all others likely to know, and put them upon oath, would you not be able in that way to approximate the amount?

Answer. There was an investigating committee appointed by the last legislature.

Question. For that purpose?

Answer. Yes, sir.

Question. Have they reported?

Answer. Governor Smith was not before them, nor was Stanton; neither of them was in the State of Alabama at the time.

Question. Was any effort made to secure their attendance?

Answer. I really do not know what effort was made.

Question. Has that law been repealed authorizing the issuing of bonds?

Answer. It has not; it expires by its own limitation in November next, I think.

Question. You say the law was passed in 1867?

Answer. The first railroad law was passed in 1867.

Question. You are not aware that any of the restrictions contained in the first law were repealed by any subsequent law?

Answer. I think the first law was modified, but not materially, and it was enlarged.

Question. You do not know of any other malpractice in the issuance of bonds, except to this road of which Stanton has control?

Answer. Not positively; I have my suspicions that there were more bonds issued to the South and North road, a road contemplated from Montgomery to the Tennessee River at Decatur. I have so charged it upon the president of that road. He denies, however, that he has received more. I discovered that he had got bonds numbered up to 2100 and odd, while I was satisfied that he was only entitled to bonds up to No. 1900, I gave him notice that he must have the intermediate bonds forthcoming before I would sign any more bonds for him. He has not come to me for my signature. That is only my suspicion, however; I could not swear to it positively. I will say further that the commissioners appointed by myself to examine and report upon the character of the road before indorsements were given—I instituted a commission for that purpose—reported that the road known as General Forrest's road had on hand $80,000 of bonds for the five miles of road that they examined. I have not had a personal interview with the commissioners, and scarcely know what that means; whether they have examined five miles of the road that Smith issued bonds for, or not, I do not know. I suppose, however, the fact is that General Forrest has got $80,000 of bonds for five miles of the road that really were not completed according to what I conceive to be the requirements of the law, but what Governor Smith assumed to be according to the requirements of the law, for he never appointed a single man to examine a single mile of road for which he issued bonds.

Question. You mean so far as you know?

Answer. I instituted inquiries whether commissioners had been appointed according to law, and I ascertained that they had not been.

Question. Governor Smith had issued the entire amount of bonds for Stanton's road before the election?

Answer. So we supposed; before he went out, or afterward.

Question. Could he have done it afterward?

Answer. He could have signed them afterward. The $500,000 of bonds were not put upon the market, I understand, until January of this year.

Question. They might have been signed by Governor Smith even after he went out of office?

Answer. Yes, sir.

Question. Do not those bonds require the great seal of the State?

Answer. No, sir; the direct bonds require the great seal of the State, but not the indorsed bonds. The indorsed bonds are the bonds of the company, not of the State.

By Mr. BLAIR:

Question. Do you recognize the indorsement of that $500,000 of bonds?

Answer. No, sir; I have positively repudiated it.

By Mr. POOL:

Question. You spoke of nine hundred men voting on the Alabama and Chattanooga road for Governor Smith, at the instance of Stanton. Were they registered?

Answer. My information is, from the member who represents the county, that Stanton, on the morning of election, carried up those men in a body, walked them before him to the registration office, had them registered, and then as each announced his name he took out a ticket and placed it in his hand, and they passed on in regular line to the polls and voted; that is my information.

By Mr. VAN TRUMP:

Question. Do you mean to say, or to have us understand, that by any provision of law a governor of Alabama out of office could legally have indorsed those bonds?

Answer. No, sir. I was asked the question whether he signed them before he went out of office, and my reply was that I could not say whether he did or not.

By Mr. STEVENSON:

Question. I understood you to say that you thought Governor Smith did not know of this over-issue, or did not know how many he had signed?

Answer. You misapprehended me if you understood me to say that he did not know of the over-issue.

Question. You said that you supposed he did not know the exact number he had signed?

Answer. Yes, sir; but I am satisfied he knew of this over-issue.

By the CHAIRMAN, (Mr. POLAND:)

Question. Are those bonds numbered?

Answer. Yes, sir.

Question. So that if there has been an over-issue it is easy to determine where the rightful issue should have stopped?

Answer. Certainly.

Question. And what would be the illegal excess?

Answer. Yes, sir. By that means I ascertained the number of bonds that the State is legally liable for from No. 1 to No. 5300 inclusive.

By Mr. STEVENSON:

Question. I would like to ask one question further in regard to these railroad bonds. You say the law fixed the limit of time within which these roads must be all finished?

Answer. No, sir.

Question. Well, within which they are legally entitled to State indorsement of their bonds?

Answer. The law is that no road can obtain the benefit of State indorsement after its expiration in 1871.

Question. The force of the law expires in 1871?

Answer. Yes, sir; but the roads who are the present recipients of this benefit can go on, under the law, and build for years; but no new road can come in and claim this benefit.

Question. Then in making your estimate of the limit of the liability of the State on these indorsements, you took into account the probable number of miles to be constructed by the roads up to that time?

Answer. For instance, a road has received an indorsement of $320,000 of its bonds, representing twenty miles of road. It is a road of a length of two hundred miles; that would make the amount of total indorsement about $3,200,000.

Question. What was the political character of the legislature that passed the original bill, establishing the railroad policy of the State?

Answer. I do not think there was any politics in it; they were all Alabamians; that is the most of politics I know about it.

Question. You have already spoken of the senate as having been composed one-third of old whigs, one-third of Douglas democrats, and one-third of Breckinridge democrats. Were there any colored men in the senate?

Answer. No, sir.

Question. Were there any carpet-baggers in the sense in which you used that term?

Answer. No, sir; they had not come there then; they did not swarm down there until reconstruction.

By Mr. COBURN:

Question. You say that you certified to a certain amount of bonds in order that the interest might be paid on them. Were any other bonds presented to you in order to obtain your certificate besides the amount you certified to?

Answer. Perhaps I will meet your question by stating the facts.

Question. That is what I want, in relation to any other outstanding bonds, the interest upon which has not been paid.

Answer. I authorized Duncan, Sherman & Co. to pay the interest upon four thousand bonds, the number Governor Smith stated in his message had been signed by him; that was the number I conceived the road to be legally entitled to at that time.

Question. What length of road did that cover?

Answer. It covered two hundred and fifty miles. I had reason to believe that there were other bonds in excess of the four thousand; and in my advertisement, published in the New York Herald and other papers, I required that such bonds in excess should be presented at the counting-house of Duncan, Sherman & Co. for inspection and for registration. After that announcement I received information from different parties that there were bonds in excess of the four thousand, and up to fifty-three hundred. None of them were presented to me at all, because I had nothing to do with the payment of the interest; Duncan, Sherman & Co. are the financial agents of the State. I asked for one of the bonds in excess, which was submitted to me for inspection by a gentleman from Boston.

Question. What are the number of those bonds upon which the interest has not been paid?

Answer. From No. 4000 to the end of the list.

By Mr. BLAIR:

Question. From No. 4000 to No. 5300?

Answer. Yes, sir, if that is the terminus of the indorsement.

By Mr. COBURN:

Question. What evidence have you that No. 5300 is the end of the list?

Answer. After I had discovered it by a very diligent investigation, William H. Smith called upon me at the St. Nicholas Hotel, and half acknowledged it himself; and the next day D. N. Stanton himself acknowledged it *in toto.*

Question. Who holds those bonds, so far as you have ascertained?

Answer. I think that from No. 4000 to No. 4720 are in the hands of European houses, partly in the hands of Erlanger & Co.; $80,000 are placed in the hands of the first trustees under the deed of trust, held and retained by them because they believed the road was entitled to but $4,720,000, while $4,800,000 had been issued; that $80,000 has not been sold at all. Between $300,000 and $400,000 are in the hands of a house in Philadelphia, and $30,000 are in the hands of a house in Boston. I do not know whether the balance has or has not been disposed of by the railroad company. I think the $300,000 is in the hands of Drexel & Co., of Philadelphia, if that is the name of the house.

By Mr. STEVENSON:

Question. Being in the legislature when this law was passed, do you recollect how you voted on it?

Answer. I was not present at the final vote; I was called home on account of sickness in my family. If I had been present I should have voted for it.

Question. You do not object to the policy of the law, then, but to its administration?

Answer. I object to the policy of $16,000 a mile, because I think that is too much; but I did not, at the time the bill was up, object to $12,000 a mile. The State is rich in mineral resources; the people had become impoverished; and I voted for the bill notwithstanding my democratic prejudices against internal improvements by the Government, because I thought it would tend greatly to develop the resources of the State.

Question. When, and by what legislature, was the amount increased?

Answer. The law was changed variously from the time the reconstruction measures placed the new government in power.

Question. The increase was made under the reconstruction government?

Answer. Yes, sir.

Question. Was it a party question under the reconstructed government in the legislature?

Answer. I believe all the democrats who were in the legislature voted against it; there was only one in the senate, and he had no power. I do not think there was any party question about it.

By Mr. VAN TRUMP:

Question. The party in power carried it?

Answer. Yes, sir.

By Mr. STEVENSON:

Question. Did the democrats make any opposition to it?

Answer. They voted against it.

Question. In both houses?

Answer. I think so. I was present and witnessed the scene; I remember very well I was there as a spectator, and did not leave the senate until 3 o'clock in the morning, trying to defeat the $2,000,000 clause.

Question. That was the land proposition?

Answer. Yes, sir.

Question. I am speaking now of the increase to $16,000 a mile.

Answer. I do not recollect the position of any particular member.

Question. It is your general impression that the democrats opposed it?

Answer. Yes, sir; I know the feeling of the State generally is opposed to it.

Question. You referred to one road as General Forrest's road; is that N. B. Forrest?

Answer. Yes, sir.

Question. He is the president of that road?

Answer. Yes, sir.

Question. Of course if there is any over-issue or any improper practice in regard to that road, he would have known it?

Answer. Yes, sir, I suppose so.

By Mr. POOL:

Question. Was there not a general feeling among the people of Alabama that there

ought to be general internal improvements undertaken in order to get them out of their generally impoverished situation?

Answer. I think that was the general feeling.

Question. That it was the best means to encourage immigration and capital?

Answer. It certainly was.

Question. It was because of that general feeling among the people that these railroad projects were undertaken?

Answer. Yes, sir.

Question. Are not even the colored people of Alabama in favor of the general removal of political disabilities by Congress?

Answer. Yes sir. I will say here that the colored people of Alabama, as a general thing, are not desirous at all that the white people there should be their inferiors in anything. They are ready and willing, and if they had a direct vote upon the question at the ballot-box, would vote for general amnesty to-morrow.

Question. Is that the case with most of the white republicans?

Answer. I do not think it is.

Question. You do not think it is?

Answer. I do not think it is. I will state the fact that during the pendency of the reconstruction measures I once addressed a colored audience; I told them that we could not support this constitution, and we did not want them to support it, from the simple fact that it was disfranchising some of their best friends, and amongst them myself, for example. There was a single shout that they did not want any man to be disfranchised. I will say that the colored people of the State of Alabama have acted, with some exceptions, of course, admirably in this matter; they are not to blame if they could be let alone.

Question. You think the fact that disabilities have not been removed has led to dissatisfaction, and that if they should be removed there would be less disorder?

Answer. I think there would be a great deal more satisfaction. But, as I said before, the disorders of the State of Alabama are now passing away; they have been frowned down by the very men whose disabilities are still resting upon them. I do not think the removal of disabilities would effect much change in that regard.

Question. You would not say, then, that any of the outrages, such as scourgings and outrages of a more heinous character, committed by organized bands of disguised men upon colored people, was the result of the policy of imposing political disabilities upon the people?

Answer. I do not think that had anything to do with any outrage that has been committed upon a colored man. And I will further say, that I do not think there ever was a political motive in any outrage committed upon a colored man; of my own personal knowledge I know of none.

Question. Have you ever canvassed the southern portion of the State of Alabama?

Answer. I have spoken in some of the counties of South Alabama, but in comparatively few of them. During the last canvass I did not penetrate the southern portion of Alabama, what we call the Black Belt, and for this simple reason: We tried to avoid political discussion as much as possible; we did not think it was necessary, and we wanted as much harmony and peace to prevail during the canvass as could be obtained. We wanted to leave the people to their own free will to vote just as they thought proper. Hence, on the day of this Eutaw affair, I had been invited to speak there; the invitation did not reach me, however, but I would not have been there had it reached me. We were determined that in the election it should be proved to the country that every man in Alabama could have the right to vote and think on political matters just as he pleased, and we wanted to test the result upon that principle. I never met Governor Smith in the canvass.

Question. Have you had any superior opportunities of knowing the sentiments of the people of Alabama other than that of having been a State senator?

Answer. Well, as the executive of the State, and as a citizen, I have been in various portions of the State, time and again, from Mobile to the Tennessee line; I have had a great many business transactions in Mobile, and in Sumter County in West Alabama; I have been in Montgomery; and my opportunities have been rather extensive than otherwise; more extensive than most gentlemen have had in the South.

Question. Were your opportunities any more extensive than those of Governor Parsons?

Answer. I should think they were; I think that Governor Parsons's movements were confined rather to his own localities than to the State at large. I met Governor Parsons in Mobile in 1868, when he made a celebrated speech there. I never knew him in our section of the State, in North Alabama, at all. During the last canvass he was confined to a trial at Paytona, and did not speak at all.

Question. Is he in the middle belt?

Answer. No, sir; he is in the mountain belt.

Question. I thought you were in the northern belt of the State.

Answer. I am.

Question. And that he lived in a different section.

Answer. He does; but the northern belt extends from one hundred to one hundred and fifty miles, and he lives on one side of it and I on the opposite side.

Question. Have you ever been in the county of Greene?

Answer. Only once; during the war.

Question. Have you been in any of the adjacent counties?

Answer. Sumter is one of the adjacent counties; I know that very well.

Question. You say that, in your opinion, when the war closed, there was a general disposition on the part of the people of Alabama to accept the situation upon the terms of the capitulation?

Answer. I think there was.

Question. What did they understand those terms to be, and how different from the reconstruction policy of Congress?

Answer. They understood those terms to be that the State governments should move on and be conducted in their operations precisely as they were prior to the war; that the States would have the right, the same as prior to the war, to regulate their own political affairs; that the electors of the States should have their character given to them by the State legislature, saving and excepting those included in President Johnson's proclamation, in which, I believe, there were eleven classes of exceptions. They were willing to accept that condition of affairs, hoping that time would change and remove the disabilities imposed upon those exceptional classes. The legislatures met, and, as I can say, legislated entirely in accordance with the spirit of freedom to the negroes, at least, so far as Alabama was concerned. In the Alabama legislature we endeavored to establish such an order of things as would harmonize with that freedom. Of course, there were many provisions of our laws which were crude: those, time certainly would have changed. But I believe that the spirit which animated the legislature was a desire to give to the negro race all the rights and privileges that they believed the negro at that time was capable of exercising. Of course, the negro race having just come out of a system of slavery, the views of the white race were necessarily narrowed upon that question. But it was astonishing how great an advancement was made in that regard during the brief session of three months. Men who, in December, went into the legislature, in February came out with views greatly advanced with regard to the proper legislation in reference to the negro race.

Question. Give us some of the items of that legislation in reference to the police regulations of the negro, their labor upon plantations, &c., adopted by that legislature.

Answer. It is almost impossible for me to speak upon that point with any accuracy, from the simple fact that a great many laws were changed by subsequent legislatures, which changes have never been called to my attention.

Question. The laws have since been made more liberal to the negroes?

Answer. Yes, sir; because, in the first place, under our legislation the negro has no vote. I may say here that I do remember one law that was enacted; we gave them the right to testify in courts. That was a subject of long and earnest discussion, and it was in connection with that law that the change manifested itself, to which I have alluded. There was great opposition to allowing them to testify; but finally it went on until there was no opposition at all. That was one law. Then there was a restraining law, called the vagrant law.

Question. Tell us about that.

Answer. I do not remember the provisions of that law; however, they were very stringent.

By the CHAIRMAN, (Mr. POLAND:)

Question. Was the law which you passed allowing the negroes to testify a law giving him an unrestricted and general right to testify in all cases, the same as white men had?

Answer. More so, it allowed them to testify in their own cases.

By Mr. POOL:

Question. You passed the recent English provision upon that subject?

Answer. Yes, sir; it was an advancement upon the rights which the whites had possessed. The vagrant law was a strict vagrant law, and applicable to both white and blacks.

Question. State some of the provisions of that law.

Answer. I do not think I could state any of its provisions; I only remember the general tenor of the law; I have never examined it since the day it was passed.

Question. Is it in the statutes of Alabama?

Answer. I think it is in the code of Alabama; it was incorporated in the code adopted at that session of the legislature.

Question. As the people of Alabama understood the terms of capitulation, was any one disfranchised from holding office?

Answer. No, sir.

Question. They considered that feature of the reconstruction acts a violation of the terms of capitulation?

Answer. I do not think that I have ever heard that provision mentioned in connection with a violation of the terms of capitulation; they considered it a violation of the constitutional rights guaranteed under that capitulation.

Question. Then I understand you to express the opinion that it was the reconstruction policy of Congress, embracing the constitutional amendments as well as the reconstruction acts, that gave the general dissatisfaction that was manifested in the State?

Answer. I think the fourteenth amendment and the reconstruction measures together gave universal dissatisfaction. The amendment to the constitution emancipating the negroes gave no dissatisfaction, for the simple fact that by the convention that met in 1865, under the proclamation of President Johnson, emancipation was incorporated into the constitution of the State of Alabama.

Question. You think it was the fourteenth amendment, together with the reconstruction acts of Congress, what is generally embraced in the term reconstruction policy of Congress, that gave dissatisfaction.

Answer. It gave great dissatisfaction.

Question. Would the white people of Alabama ever have consented by their suffrages to have accepted the reconstruction policy of Congress?

Answer. I think it would have taken considerable time to have got them to do so.

Question. Could Congress have put its reconstruction policy into operation without the negro vote?

Answer. If Congress had passed the law, I believe there would have been no resistance to it, but there would have been a very dogged submission.

Question. A part of the reconstruction policy was to submit it to the people for their adoption?

Answer. If it had been submitted to the white people of Alabama, the reconstruction measures would have been defeated beyond all question.

Question. By a large majority?

Answer. I do not think they would have voted in its favor 5,000 votes.

Question. So the only mode Congress had of putting that reconstruction policy into operation, under the forms of elections and laws, was by admitting the colored people to the ballot-box?

Answer. I cannot say that, from the simple fact that they were admitted to the ballot-box, and it was then defeated.

Question. It could not have been put into operation by the white people of the State.

Answer. No, sir; the white vote was almost a unit against it.

Question. Whatever the opposition then was, whatever is the opposition now, or has been, it has been on account of the reconstruction policy of Congress, directed to that and not the Government itself.

Answer. I do not think there is any hostility to the Government of the United States on the part of the people of Alabama; when I say that I speak in general terms. I think there is rather a desire that the legislation of Congress should be such as to remove the causes of unkindly feeling on their part towards the Government. And, as I said before, whenever a measure of a kindly character has been passed by the Congress of the United States, it seems to have lifted a load from the people, to have brought them towards the Government of the United States with more affection for it. That has been my feeling, and it has been the feeling of those immediately around me, so far as I have observed, and the feeling generally of the people of the State. I think that, take the week before the reconstruction measures became the laws of the country, and the week after, there was a very decided difference in the feelings of the people. I really believed, at the time the reconstruction measures came upon us, and I so stated, that in two years the Union feeling in the State of Alabama, and in all the Southern States, would be greater than in Massachusetts, such was the growth of it then going on.

Question. Is not the negro suffrage feature of the reconstruction policy the main thing which they dislike?

Answer. I must confess that there is a great change in that regard. We are getting to think that perhaps our representation in Congress needs that sort of thing; we are beginning to think that negro voting will not be such a bad thing after all; we may get one or two members of Congress in Alabama by it, and thus offset Massachusetts. Allow me to make a remark here: there is the very kindliest feeling existing between the two races; I am glad to bear testimony to that fact. There is occasionally a disturbance got up, but the negro race are not to blame for it, and the white people of Alabama know it. I know of no man in the State of Alabama to-day who has not a kindly feeling toward the negro. They do not charge these disturbances against them.

By Mr. Van Trump:

Question. Against whom do they charge them?

Answer. Against designing men who have come among them for the purpose of manipulating the negro vote for their own aggrandizement, and that alone. I believe that if a half a dozen men would take a notion to leave the State of Alabama, there would not be a hard feeling, nor the report of one in the State. I believe that the negro race would just vote as they pleased; and I believe they would vote the republican ticket to a great extent.

By Mr. POOL:

Question. Could you name that half a dozen men?

Answer. I would rather not name them.

Question. I will not insist upon it.

Answer. I do not desire ——

By Mr. VAN TRUMP:

Question. To make more difficulty?

Answer. I do not wish to make special cases at all, because there is not a man in the State of Alabama, that I know of, toward whom I have an unkindly feeling.

By Mr. STEVENSON:

Question. Do those half a dozen of men belong all to one party, the same party?

Answer. Well, the half a dozen that I refer to, do.

Question. Would it not do the State some good if some men of the other party should leave also?

Answer. I think it likely that both parties could spare some. But when I spoke of those half a dozen men, I spoke in connection with the question of raising feuds between negroes and white men.

By Mr. POOL:

Question. When colored men in the various localities of the State are whipped and outraged by these disguised parties, do the white people rise up and ferret out the offenders?

Answer. Well, as to ferreting them out by the people at large, I cannot say that they do. That matter is always intrusted to our courts of justice; we have a justice of the peace in every precinct, and constables, and, as courts of inquiry and conservators of the peace, it is their duty by the statutes to bring offenders to justice. But, in regard to my immediate home, I will say that I have never known an injury done to a negro man, I have never known an injustice done to a negro man, that was not condemned by the people. And I have never known a negro man nor a negro woman to fail to receive strict and exact justice in the courts.

Question. I understood you to say that you had never known one of these disguised men to be convicted in the courts.

Answer. Did I not say with the exception of Lauderdale County?

Question. You spoke of some disguised negroes in Lauderdale county.

Answer. No; they were in my own county.

Question. What was that case in Lauderdale County?

Answer. I could not name the parties; but there were some parties prosecuted in Lauderdale County and bound over. I think I mentioned Lauderdale County yesterday.

Question. With that exception, then, you have not known the courts to take up and bind over these Ku-Klux?

Answer. I have no recollection now of any Ku-Klux or disguised men being convicted.

Question. The courts, then, do not interfere and protect the negro people against such outrages; they have not done so; and you have not known of any general uprising of the white people to protect them against such outrages?

Answer. The popular sentiment is very strong against them. And our judge of the circuit court is not only very severe in his charges, and in his denunciations of them, but he is absolutely bitter; he is neither sparing in his language nor in his instructions to the jury to ferret them out and bring them to justice.

Question. Notwithstanding which they have not been ferreted out?

Answer. I have said that I have known none of them convicted.

Question. It would require a public sentiment to enable the courts to discharge their duties efficiently in that regard, would it not?

Answer. I believe that public sentiment is the great administrator of justice.

Question. And notwithstanding the stringency of your judge's charges, that public sentiment has been wanting to such an extent that not a man of them has yet been convicted?

Answer. The public sentiment against disguised men in the State of Alabama, so far as I know, and I think I know the sentiment of the entire State, is not only earnest, but openly and publicly avowed by the leading and substantial citizens of every section. Our newspapers are at this time, and I think generally have been, unequivocal

in their denunciations of outrages by disguised men, or by any other lawless body of men.

Question. If a band of negroes should go to the house of a white man, a member of the democratic party, at night, and take him from his bed, and strip him and scourge him, would there or would there not be a general outcry and rising up of the community to bring the offenders to justice?

Answer. It depends entirely upon the character of the white man. If he was a bad man, or charged with crime of an aggravated character, I do not think they would put themselves to any trouble about it. I think that the same effort would be made as with regard to a colored man. I say this from the simple fact that I have myself seen a difficulty between a white man and a colored man; the colored man was the more honorable man of the two; and there was not a man in the crowd of fifty but what was on the side of the colored man.

Question. Then I understand you to mean to say that if the white man was charged with crime, and a body of colored men should go to his house at night, take him from his bed, scourge him with whips, after stripping him, it would not produce any great rising up of the community, and an endeavor to ferret out the offenders?

Answer. I have said it would depend entirely upon the character of the man.

Question. I have said "charged with crime." You think that a man in Alabama charged with crime might be subjected to such an outrage without any general rising up of the community in his defense?

Answer. Understand me, the people are not in the habit, as a body, of taking the laws into their own hands, neither when a man commits a crime, nor where he is offensive; they intrust that to the officers of the law. And I do not think they would do anything more in regard to good white men than they would in regard to good colored men; that is my belief. I have a colored man who has lived with me for years; I believe there are some men in the town of Tuscumbia who would protect him, as many men who would protect him in his rights to-day as would protect any white man within the limits of the community, simply because he is a high-toned, honorable colored man, and a good man, as I have known him to be for twenty years. It is true that a lawless white man might rise up and seek revenge.

Question. Have you ever heard of any body of colored men going to the house of a white man, taking him from his bed at night, stripping and scourging him, because he was accused of crime and generally supposed to be guilty of it?

Answer. I never knew of such a case.

Question. You never knew that to occur in Alabama?

Answer. No, sir; as a general thing the colored men have behaved pretty well.

Question. I understood you to say that the first legislature that assembled after the war, under what is called President Johnson's policy, refused to accept the fourteenth amendment?

Answer. They refused to accept it.

Question. By how large a vote?

Answer. I do not believe it ever reached a vote in the house; I think we rejected it in the senate, with about five, perhaps, voting for it; I cannot speak precisely as to the number.

Question. You gave the complexion of the legislature approximately as one-third old Bell and Everett men, one-third Douglas democrats, and one-third Breckinridge democrats?

Answer. That was about the proportion, I think.

Question. Was it understood that the Breckinridge democrats were original secessionists, and the others not?

Answer. No, I cannot say that they were original secessionists, because during the contest in the election which resulted in the election of President Lincoln, the question of secession was not the main question in the canvass. Many voted for Mr. Breckinridge who afterward were opposed to secession. But I was speaking in regard to the complexion of the senate when I stated that.

Question. Then you mean to say that all the Breckinridge democrats in the legislature were not in favor of the secession movement?

Answer. I could not speak accurately upon that subject; I do not remember.

Question. Were any of the Douglas democrats who were in the legislature in favor of secession?

Answer. I do not think they were.

Question. Were any of the Bell and Everett division in favor of secession?

Answer. My impression is there were none.

Question. Then, under that showing, how did the State secede?

Answer. How did it secede? We had various reasons at the time how it seceded.

Question. Were the majority of the people of Alabama in favor of secession?

Answer. We did not think so; the anti-secessionists charged that a majority were not in favor of secession; but there were two or three counties counted out. At all events, the State seceded.

Question. Now tell me how many Douglas democratic members of the legislature went heartily into the rebellion after it commenced, upon the idea that they must go with their State, or upon any other idea?

Answer. I expect that all pretended they went in.

Question. Were there any who did not?

Answer. I do not know of any.

Question. You do not know of any in the legislature who did not go into the rebellion; how about the Bell and Everett portion?

Answer. I expect they all sided with Alabama in that contest.

Question. You think all went into the rebellion?

Answer. I do not know whether they all went in; a great many of us did not go far in.

Question. Were a great many of them active and earnest during the progress of the rebellion, taking prominent parts, holding prominent positions?

Answer. No, sir; none in the legislature occupied any prominent position during the rebellion, except there was a Colonel Jackson, and a Colonel Powell; I believe they were secessionists.

Question. Could you in 1864 perceive any difference between the earnestness of the Breckinridge men and the earnestness of the great body of the Douglas men and the Bell and Everett men in their aid to the rebellion?

Answer. Well, really, I cannot speak as to that, because we were in an excited state at that time, and I do not think we thought anything much about Bell and Everett men or Douglas men, or Breckinridge men, at that time. Some of the leading Douglas men were charged at Montgomery with entering into a combination to put an end to the war and to get back into the Union.

Question. Then I understand you to mean that the three classifications given by you indicated the degree of earnestness in the participation of the respective members of those classifications during the progress of the rebellion?

Answer. No, sir; I do not mean to indicate that.

Question. You spoke of four of your negroes going to vote on an occasion when you could not vote?

Answer. Yes, sir.

Question. And that you felt bad about it?

Answer. Well, not so very bad; I felt a little sore.

Question. Why could you not vote?

Answer. The reconstruction measures prohibited me from voting.

Question. Why?

Answer. Because prior to the war I had been a member of the legislature, and I took a slight part in the rebellion.

Question. What part did you take?

Answer. Not much; I was never much of a soldier; it did not suit me.

Question. You were prohibited from voting because you took part in the rebellion?

Answer. Yes, sir; I considered that I had done enough in the rebellion to come within the purview of the reconstruction measures, and of course I could not take the oath.

Question. You say that at one time you wrote a letter giving a general review of the condition of things in Alabama, and advising the people to accept the situation. At what time was that?

Answer. It was in the beginning of 1869.

Question. You said that letter was generally discussed all over the State?

Answer. It is discussed to this day.

Question. And you think it was because of that letter that you were selected from among the great number of democrats in Alabama as their candidate for governor?

Answer. I will not say that was the cause of it; but I will say that that letter was discussed by the democracy at the time of the nomination; and although at one time it had been assailed, yet upon general examination they believed that it expressed the sentiments of the people of Alabama; they believed that upon doctrines such as were contained in that letter I could run the race successfully.

Question. They thought that letter gave you perhaps a better chance of election than other democrats had?

Answer. I think it had some influence in that respect.

Question. Was it because it was supposed that it would bring to you republican votes, or the votes of moderate men?

Answer. No, sir; it was because they did not think that a man who had been identified with extreme opinions could receive the votes of the democratic party in Alabama.

Question. You were somewhat distinguished above others in 1869 by the publication of such sentiments?

Answer. That was the first letter upon that subject from any man who had been in public life.

Question. And some denunciation was heaped upon you at that time on account of it?

Answer. One or two newspapers assailed me because I had written it, and because of

the man to whom I wrote it, who was rather obnoxious. I addressed it to a republican, and they began to think that I was going over to the republicans. That was the reason that I was somewhat assailed; but I did not go.

Question. When you spoke of the people of Alabama being opposed to the reconstruction policy of Congress, and having been indignant at it, you used the phrase "people of Alabama." What do you mean by people of Alabama; do you mean the colored people?

Answer. No, sir; I mean the white people; I mean the electors of the State under the laws existing at the time of the passage of the reconstruction measures, the voters under the old system.

Question. You spoke of the disfranchising clause in the constitution of Alabama as being obnoxious; what is it?

Answer. It was an embodiment of the reconstruction measures; under it I could not hold office.

Question. Was it anything more than that?

Answer. I think not, but I forget now the particulars; it was an embodiment of the reconstruction measures.

Question. It imposed no disabilities beyond what the reconstruction measures imposed?

Answer. That, and the fourteenth amendment.

Question. The fourteenth amendment is a part of the reconstruction policy?

Answer. Yes, sir.

Question. Was there any disfranchisement in your constitution outside of and beyond that imposed by the reconstruction policy of Congress?

Answer. I do not remember all the provisions; I would have to examine them before I could speak accurately upon that subject.

Question. You do not remember any of them?

Answer. I do not remember them.

Question. If there had been any beyond that, would it not probably have specially attracted your attention.

Answer. I think it would; they were afterward removed by legislation.

Question. What is the senate basis of representation in your State? Is it taxation or population?

Answer. It is population. The constitution limits the number of members of the senate to thirty-three, each one representing a certain number of population.

Question. Do you mean to say that in districting the State they gave one of those thirty-three senators to a less number of population than was entitled to a senator?

Answer. The distribution was unequal.

Question. To a less number of population than one-thirty-third part of the population of the State?

Answer. Yes, sir.

Question. Including the colored population also?

Answer. Including everything.

Question. That was a clear violation of your constitution, was it not?

Answer. It is sometimes impossible to distribute them precisely equally, on account of the counties; but it was a clear violation of the spirit of the constitution.

Question. It being impossible to make an exactly equal distribution, was there not a provision of your constitution to carry over the excess from one district to another?

Answer. The constitution provided what should be a senatorial district. For example, the county of Madison was to be a senatorial district; the counties of Franklin and Lawrence constituted a senatorial district; the counties of Lauderdale and Limestone constituted a senatorial district; the county of Sumter was a senatorial district. That is provided in the constitution until a new apportionment is made.

Question. That runs through all the counties?

Answer. Yes, sir; all the districts were designated by the constitution itself, until future legislation, based upon an enumeration of the people.

Question. I thought it was by legislative enactment, as in my own State.

Answer. No, sir; not yet.

Question. I now come more particularly to the subject of our general inquiry. I understood you to say that the dockets of your State, so far as you have seen them, show a marvelously small number of crimes at this time.

Answer. Yes, sir.

Question. And you accounted for that because you thought the people were less addicted to liquor; you gave that as one reason that there were fewer feuds and fewer personal difficulties.

Answer. I stated, if I recollect rightly, that during the last twelve months there were fewer crimes committed in the State of Alabama than during any twelve months since the formation of the State government in 1819. That conclusion is the result of my own observation, as well as of information derived from other sources. I have called the attention to that fact of many leading lawyers and citizens of the State, who have invariably agreed with me. I think I stated that a reference to our criminal dockets

would show that to be the fact. In my particular section, of which I have a more accurate knowledge than any other, I know that to be the fact. I may say that I have never known a section of any country so entirely exempt from crime, and especially crimes of a higher nature, than my own section. I think there are various reasons which have produced this good effect. Among other things, the people are better off in our mountain regions than they ever were at any time before. Their labor has been more remunerative; they perform their own work in the fields; they do not employ labor. Cotton selling at from $100 to $150 a bale remunerates the man who does his own labor to the amount of three times. While it is advancing the comforts of the white laborer who cultivates his own lands, it is, to a certain extent, impoverishing the man who employs labor, simply because the expense of provisions, of implements, and of mules has all increased in a greater ratio than the increased price of cotton. For example, before the war you could buy bacon at 10 cents a pound; now you have to pay 22 cents; and the white man who labors in our section of the country raises his own meat. In other words, his expenses are increased, while the increase of the price of his products of labor are trebled.

By Mr. STEVENSON:

Question. And the result is a tendency to equalize the fortunes of the people?

Answer. Yes, sir. Hence the people are more industrious, because their industry is better compensated. Being more industrious, there is more sobriety, more pride of character, more disposition to be kindly toward each other. Instead of those old-fashioned southwestern feuds and personal rencounters that took place before the war, you rarely ever hear of them now.

By Mr. POOL:

Question. Before the war all petty crimes committed by the slaves were punished by the master?

Answer. Yes, sir; all crimes below a felony.

Question. Now all that class of crimes come into the courts?

Answer. Yes, sir.

Question. And you still say that, notwithstanding that addition to the criminal dockets of the State, those dockets in the aggregate show a less amount of crime than when only the white men were indicted, as before the war?

Answer. Yes, sir.

Question. Does not that speak volumes for the colored man?

Answer. It speaks volumes for the white man, too; for I believe there have been fewer colored men whipped by white men during the last two years than in any two years during slavery, unless by their masters. I believe that what I may call outsiders have whipped fewer colored men within the last two years than were whipped during that same length of time while they were slaves and under the protection of masters. I have known very few colored men whipped. There is the kindliest feeling existing between the races. It does seem to me that those prominent cases that are brought before the public eye are only indications of the non-existence of others. They are isolated, and become more prominent on that account. As I say, there have been whippings; my information is that there have been. But as to its being a general thing, I think I am in a condition to deny it, and to say that there is the kindliest feeling between the white race and the black race. It is very rarely that you will hear of a disturbance between a white man and a black man. But, I repeat, an isolated case will occur, and particularly when it can have given to it a political tendency and influence it is made so much the more prominent; especially when you go away from home it becomes more prominent.

Question. That question was preliminary to one which I now desire to ask. Is there anything in the conduct of the colored people in the State of Alabama, any misbehavior or turbulence, that would invite such outrages as are charged against the Ku-Klux, or these organizations of disguised men, or that would make such things necessary for the well-being of society?

Answer. There have been some very bad and turbulent negroes, who have undertaken to assume social rights and privileges which the whites would not accord to them; nor could it be expected that they should accord them to them. But take the colored population of the State of Alabama generally, they have been exceedingly well-behaved, and are at this day exceedingly well-behaved. The turbulent negroes, just like turbulent white men, will bring disrepute upon communities and upon races. But I am very glad that I have an opportunity of saying that, so far as my information and knowledge and personal experience go, for the last two years especially, the conduct of the colored people, as a whole, has been excellent. During the pendency of the reconstruction measures, at the time they were about to be clothed with political rights and political equality with the white man, and under the influence of men who wanted to convert them into instruments for their own advancement, the negro population in towns was disposed to be exceedingly insolent. They had been told that the

white man of the South was naturally their enemy; this I know to be the fact. They were told that having been the property of the white people of the South, and having been freed out of their hands through the power of the United States Government, they were naturally their enemies; that antagonism to the white race was their only salvation, and especially was it the only security of their political equality. Under influences of that character the negro race at that time became exceedingly insolent. They banded together in Union Leagues; I have seen them in their marches and parades. They were disposed to be insolent; they were disposed to get into a drunken disposition—I use that expression not in its literal sense—to assert their rights, thinking that such assertion was necessary to their maintenance. But that all passed away in a short time, and they now go to the polls and vote there, and get into their political squabbles and frolics just as the whites do. I can say that the negro race of Alabama are at this moment, as a body, a well-behaved people.

Question. What were those social rights which you say these few turbulent negroes propose to assert, the right to do what?

Answer. Really it would be hard to tell; there is as much in the manner as in the fact. For example, I have known instances where they would rush right into a church, without any change having taken place, where the white people were sitting; not that they had no place to sit in, but simply to show their equality. They would curse the poor white trash, and one thing and another. It is a very hard question to answer in detail. But I have known such instances as this: A negro woman would go into the body of a white church, take a seat in a pew that did not belong to her, and she was allowed to sit there and not be turned out. They would curse the white children; they would assume rights about the house they had not been accustomed to. But, as I have said, that has all passed away, and to-day the feelings between the races I think are very good.

Question. When you spoke of northern men, some of them being disturbers of the public peace, what did you mean by that?

Answer. My last answer would indicate somewhat what I meant.

Question. That is the reason I asked you the question in this connection.

Answer. Prior to the war, it is my recollection that the Methodist Church had established a system of colored churches in the South, and had licensed colored preachers, although slaves. Missionaries from the northern church, professedly so, came to the South, and used their influence and persuasion to divide the southern colored church.

By Mr. VAN TRUMP:

Question. Came since the war?

Answer. Yes, sir, under reconstruction.

By Mr. POOL:

Question. You mean during the time of reconstruction?

Answer. Yes, sir; they came there and endeavored to induce the colored people to separate from the southern conference, and to unite with the Methodist Church North. As I stated on yesterday, I believe, there was a very signal instance of that in my own town. There are to-day two churches there, one belonging to the Methodist Church North and the other to the Methodist Church South. And the feud is still existing among them; not a violent feud leading to any violation of the peace, or any personal conflicts, but still a feud. As I understand, and as it was generally understood, these missionaries, in order to seduce them from their allegiance to the southern church, inspired them with a hate toward the people of the South, or endeavored to do so, alleging, as I have already said, that the people of the South were their natural enemies. They went so far as to say that whenever the time should arrive that the democratic party would come into power they would put them back into slavery. They told them that they had better unite themselves with the northern church as a measure of safety, not only for their religious, but for their physical freedom. We consider them disturbers of the peace, as persons endeavoring to get up antagonisms between the races which would result in great injury both to the social and the material interests of the country. Whenever such a man came among us we endeavored to frown him down. I never knew, however, of one being physically maltreated; personally I know of no instance of that kind. In fact, they have had wonderful liberties, and the people bore with them, I think, to a marvelous degree; to such a degree that I have no idea that a single community in the Northern States would for one moment permit a southern man to go there and express such opinions as they expressed in our midst and endeavor to get up a hostility between two classes of people. Hence, if there is a dislike to carpet-baggers, it has its origin in that.

By Mr. VAN TRUMP:

Question. Whether political or religious?

Answer. Whether political or religious.

By Mr. POOL:

Question. You have spoken of the election laws of the State, under which this universal franchise is exercised, requiring the registration of all voters prior to their depositing their ballots. Is there any penalty against registering contrary to law?

Answer. I think there is a very heavy penalty; there is a heavy penalty for false swearing.

Question. That embraces the proposition that he is qualified under the law to register?

Answer. I think so.

Question. There is a heavy penalty attached to that?

Answer. I think it is made a penitentiary offense. He is required before registering, and that is the only qualification, to subscribe to an oath. If he swears falsely he is subject to a criminal indictment as for a felony, I think.

Question. But when he is registered, he then has a right to vote without being challenged?

Answer. Yes, sir.

Question. No man can challenge him, because the only question at the ballot-box is, has he registered? Have there been any prosecutions for illegal registering?

Answer. I know of none.

Question. Has that provision of the law in regard to registering and voting been repealed?

Answer. No, sir.

Question. Has there been a bill introduced into your legislature to repeal it?

Answer. I cannot say whether there has or not; my impression is that one was introduced into the house of representatives.

Question. Was it ever voted on?

Answer. I do not know what its condition was.

Question. Has your legislature adjourned?

Answer. It has adjourned.

Question. I understand, then, that the distinguishing feature of the election law of Alabama is, that a man is punished for illegal registering, but having registered, he is not punished for illegal voting, and cannot be challenged?

Answer. He is punished for swearing falsely that he is entitled to register.

Question. If every voter might be challenged, and his right to vote not be settled by the fact of his registration, but had to be inquired into upon the spot, while the election was going on, might it not delay other voters who desired to deposit their ballots while the investigation was going on in the case?

Answer. That would depend greatly upon the mode prescribed by law for contesting the challenge.

Question. Who decides the challenge, the judges of election?

Answer. There is no challenge in our State.

Question. Who did before the war?

Answer. The judges of election.

Question. Could they receive ballots while deciding upon a challenge and hearing the evidence?

Answer. I do not remember how they used to do; I remember there used to be challenging before the war, but I never knew any serious injury to result from the power of challenging at the ballot-box.

Question. How long does your election continue?

Answer. One day.

Question. How long does the registration continue?

Answer. You can register at any time, before the probate court

Question. At any time?

Answer. That is my recollection of the law.

Question. Suppose that in an ordinary precinct in your State one hundred men were challenged upon the same day, and the old law was in operation, by which the judges of election who received the ballots had to stop and inquire into those challenges, would it not break up the election?

Answer. I have no doubt it would interfere very seriously with it.

Question. It would prevent other men from voting who had a right to vote?

Answer. I think the challenge of one hundred men would be a very serious impediment.

Question. Persons having the physical force at a precinct might, by challenges, break up an election under cover of law?

Answer. That is a possibility.

Question. There has been no effort to repeal that law?

Answer. In my message to the legislature I recommended its repeal.

Question. But the legislature did not follow your recommendation?

Answer. They did not pass any law pursuant to the recommendation, from the simple

reason, as I understood at the time, that the senate which passed the law was the senate to which my recommendation was sent.

Question. I understand you to say, then, that in Alabama there is a very stringent law against registering falsely?

Answer. My recollection is that it is made a felony.

Question. And a penitentiary offense?

Answer. Felony under our statute law is confined to penitentiary offenses.

Question. So that a man who would illegally register and illegally vote in Alabama would be liable to very severe punishment?

Answer. If he registered illegally.

Question. Whether he voted or not?

Answer. He might vote without registration.

Question. Would he do it?

Answer. He might.

By Mr. STEVENSON:

Question. And there is nothing to prevent him from doing so?

Answer. No, sir.

By Mr. POOL:

Question. You cannot challenge a man who is not registered?

Answer. You cannot challenge at all. The language of the law is this: "That there shall be no challenging of electors offering to vote at any election hereafter held in this State, and any registered voter offering to vote at any election in this State shall be allowed to do so without question, challenge, or objection by any person; and any person who questions, challenges, or objects, or who unlawfully hinders or delays any person offering to vote shall be guilty of a misdemeanor, and on conviction shall be fined five hundred dollars, and on failure to pay the same shall be imprisoned in the county jail for six months."

Question. The term "registered voter" is used in a portion of that sentence.

Answer. Our understanding of the law is, and the practice is, that no man dare challenge another at the polls under any circumstances.

Question. Is a man an elector unless he is registered?

Answer. I do not think he is.

Question. This section provides against the challenge of electors.

Answer. It says in one place "any person attempting to vote." The practice is, that no man is challenged. In my message to the legislature, I stated that a foreigner or a minor could vote at the polls without being challenged. And, as an evidence of what that law is, I will say further that a man is not allowed to go within a certain number of feet of the polls, unless when he goes up to deposit his ballot; I think it is within thirty feet of the polls. The practice is, that no man, whoever he may be, minor, foreigner, alien, or non-resident, can be challenged at the polls in Alabama, without subjecting the challenger to the penalty of the law.

Question. Suppose you were to challenge an unregistered man, and give as a reason for your challenge that he was not registered—do you believe you would be liable to an indictment for misdemeanor under this act of the legislature?

Answer. That is a legal question.

Question. Well, that is the question we are now examining.

Answer. I think, under the letter of the statute, I clearly would be liable to indictment.

Question. Whether the man was an elector or not?

Answer. I do not care who he is.

Question. Do you suppose that that law will be repealed? You say that you have recommended in your message that the legislature should repeal it.

Answer. I do not think it will be repealed at the next session of the legislature.

Question. Are the nine hundred men who are said to have voted upon Stanton's road upon an illegal registration liable to be indicted, assuming that their registration was illegal?

Answer. I think they are.

Question. Have they been prosecuted?

Answer. No, sir.

Question. None of them?

Answer. Not that I am aware of.

Question. Suppose they were convicted, would the penalty be imprisonment in the penitentiary?

Answer. I think so, for two years. Here is the law; section 11 of the law in regard to registration provides: "That any person who shall knowingly and corruptly take the oath required in section four of this act shall be deemed guilty of a felony, and

upon conviction be imprisoned in the penitentiary for not less than two nor more than ten years, at the discretion of the court."

Question. Would Mr. Stanton be held liable as an accessory to that felony?

Answer. It is a statutory election crime; I do not know to what extent the law in regard to accessories would apply; I do not know whether the law would apply to him or not. The section I have read is confined to those who take a false oath. He might be held guilty of misdemeanor.

Question. I think that a man who procures another to commit a felony would be indictable under the common law.

Answer. If it had been made the crime of perjury, then I think he would legally have been held an accessory; but the simple fact that the statute designates the crime and prescribes the punishment I think makes it doubtful.

Question. You spoke of an instance in which you defended some colored men who went in disguise and whipped one of their own race. Did you suppose them to be members of the Ku-Klux organization?

Answer. No, sir; they were just simply in disguise. I do not think there was any Ku-Klux organization at that time.

Question. Did you have any idea that the Dorman case was an act perpetrated by the Ku-Klux?

Answer. The report from my recording secretary states that the parties in the case were not in disguise.

Question. You do not consider that a Ku-Klux case?

Answer. No, sir.

Question. Was the affidavit of Mr. Dorman in writing?

Answer. By our statute it was required to be in writing.

Question. Did you not say that he stated in that affidavit that they were in disguise?

Answer. I cannot say what he stated in the affidavit. I think I stated that all I knew was what I obtained from my recording secretary.

Question. It was stated in the report of your recording secretary that leading members of the bar and leading citizens came forward and testified in regard to the Dorman case.

Answer. They testified only as to the Christian character and respectability of Mr. Howe; I understand that to be the statement of the recording secretary.

Question. I understand it much more broadly; but it will show for itself.

Answer. That is my recollection. I do not know who testified in the court; I think I was absent from Montgomery at the time the trial took place.

Question. In the case of Hollowell it was stated in the report of the secretary that several witnesses said that Mr. Hollowell was not robbed; were any persons identified who were present at the time the outrage was committed upon Hollowell?

Answer. I know nothing of the matter further than is stated in the report of the recording secretary.

Question. How are you able to understand that men can testify that Hollowell was not robbed, when they were not there to know?

Answer. I can give no explanation further than by reference to the report of the secretary.

Question. You stated that when you sent that circular of yours to the district attorney he expressed some surprise upon receiving it. I would like to know the ground of his surprise.

Answer. He was the district attorney; his office was within a couple of squares of the capitol. My private secretary, who copied the circular, transmitted it to him through the post office. In his reply to me he alluded to that fact. I do not know of any other reason why he was surprised; I cannot search all the windings and sinuosities of his imagination. I will state why I addressed the letter to him. I regret very much that I have not a copy of my letter here; I thought I had. I was desirous of bringing all the facts before this committee that I could obtain; I was desirous of getting at the truth in connection with any outrages that had been committed within the knowledge of the persons to whom I addressed that circular. I believed that the district attorney, the solicitor of Montgomery County, and other men, whose names I now forget, would be able to furnish me with a statement of the facts in regard to any instances within their knowledge. And I also said that I would immediately send my recording secretary, who has not much other work to perform, to investigate and report in regard to the facts, just as I did in the Dorman case.

Question. What is the name of that district attorney?

Answer. I think his name is Judge John Minnis.

Question. What is his address?

Answer. Montgomery.

Question. Do you recollect whether he assigns as a reason for his surprise that you should have been ignorant of the existence of such outrages in great numbers in the State?

Answer. I do not think he expressed any surprise of that kind. The fact is, I was surprised at his expression of surprise. I neglected to bring the letter with me; I have it put on record, and I shall be glad to furnish it to the committee.

Question. You said that the Harper case was the result of a private feud. Do you consider that a Ku-Klux crime?

Answer. No, sir; it is not so considered.

Question. Did you consider the McGregor case a Ku-Klux crime?

Answer. No, sir; the Ku-Klux had nothing to do with it, so far as I am informed.

Question. You have not, then, named any case to us that was properly a Ku-Klux case?

Answer. There was one case I was asked about; that was the hanging of the three negroes in Tuscumbia; they were hung by disguised men.

Question. For burning a school building?

Answer. Yes, sir; that was my information; I did not see them either before or after they were hung.

Question. That is the only Ku-Klux case you know of?

Answer. I have heard of others, but I cannot locate them now. That case occurred in my own county.

Question. You say there is a stringent law on the statute-book of Alabama, now, against this parading of men in disguise?

Answer. Yes, sir; very stringent.

Question. Has that law been repealed?

Answer. No, sir; it is on the statute-book still.

Question. Has there ever been a conviction under it?

Answer. I mentioned one case, from some of the lower counties of Alabama, which was carried up to the supreme court and the decision reversed.

Question. The decision was reversed because the men were not disguised?

Answer. Because the men were not disguised.

Question. In that law there is a provision for a recovery against the county?

Answer. Yes, sir.

Question. Has any such recovery yet been obtained?

Answer. None, with this exception. I know of one or two cases prosecuted by the solicitor of Lauderdale County; he is prosecuting them with a very great deal of energy; a confederate soldier, and a hot-headed democrat at that; he says he will recover; I heard him say so myself.

Question. Did you ever talk with N. B. Forrest upon the subject of these Ku-Klux outrages?

Answer. No, sir; I do not think I ever had a conversation with General Forrest with regard to Ku-Kluxism. He was a resident of the State of Tennessee up to within the last eighteen months, when he removed to Alabama to superintend the building of his road. I have spoken frequently to General Forrest upon the subject of lawlessness, and he has universally condemned it.

Question. Have there been any cases of the kind upon the line of his road?

Answer. None unless the difficulties in Greene County; that is upon the line of his road.

Question. You do not know of work on his road being disturbed by bands of disguised men attacking his workmen?

Answer. I think not; I do not think they would venture upon that sort of field.

Question. Did you ever hear, before the war, of crimes committed in Alabama, at night, by disguised men, such as are now alleged to have been committed by Ku-Klux organizations?

Answer. I do not think I remember any.

Question. You do not remember to have heard before the war of men going in disguise to people's houses, and taking them out and maltreating them?

Answer. I have no recollection of it.

Question. It is something that has sprung up since the reconstruction acts?

Answer. I do not know when it sprung up; I cannot fix the time when I first heard of it. It has been since the war.

Question. Then it is not an old mode of proceeding with Alabamians?

Answer. I think not; I am positive not.

Question. Do you know anything of a district attorney who was murdered, Mr. Boyd?

Answer. A county solicitor; I know nothing about him.

Question. You do not know whether he was a man of good or bad character?

Answer. I do not know anything about his character.

Question. You stated that you did not believe the disguise now used was a part of the Ku-Klux organization. What did you mean by that?

Answer. I meant simply this: As I understand the charge with regard to Ku-Kluxism it is that it is a regularly organized body of men, operating over a large extent of territory, under rules and leaders and officers; that has been alleged generally as the character

of the organization; and that their acts were pursuant to orders from headquarters, or head-centers, or cyclops, whatever they called them; that I understand to be alleged as the character of the organization. I stated that these disguised bands, or bodies, or numbers of men, who have committed outrages for the last two or three years have not been actuated at all by any rules of any organization, but that they were got up for a special and immediate purpose; for personal revenge, or the commission of crime; I might say extemporized for that purpose, in order that they might be more secure from the penalties of the law. I stated that they adopted that means because there was no other means at their disposal for the commission of crime so safe as that of a disguise; they adopted the disguise simply to evade the law officers.

Question. You mean, then, that the Ku-Klux organization did adopt a disguise?

Answer. It is charged that they adopted a disguise; I know nothing about it further than that. As I said before, I never saw but four or five men in disguise in my life; they passed along the streets of my town; I did not know where they came from, nor do I know where they went; but there was no crime committed at that time.

Question. Then do I understand you as expressing the belief that the introduction of this disguise as a cloak for crime is attributable to the Ku-Klux organization; that it did not exist before?

Answer. I should say it was an offspring of the original adoption of the disguise.

Question. I understand you to say they were the first who did adopt it?

Answer. Yes, sir; and it is now adopted by very bad men who have at stake neither the interest of communities nor of individuals, nor of themselves. There is to-day not a man in Alabama who does not rejoice when one of them is shot, not a respectable citizen. I know that from occurrences said to have taken place in the State of Mississippi. One or two of them were shot who went over there in disguise and committed crimes, and the general expression was, "We are glad of it; if one or two more were shot it might put a stop to it."

Question. Do you know anything of a party of men having gone from Alabama over to Meridian, Mississippi, to take part in the riot there?

Answer. I do not.

Question. Has there been any investigation of that matter?

Answer. None; further than what I understood Governor Alcorn instituted

Question. I mean in your State.

Answer. Meridian is twenty miles from our State.

Question. Are you aware that it is charged that a deputy sheriff from Alabama went over there?

Answer. I never heard of that before.

Question. Do you consider the colored people and white people of Greene County as being on terms of kindly feeling?

Answer. I really have no personal knowledge of the matter inquired of. I have heard that the feeling existing there between the races was very good now, much better than it had been.

Question. You have heard of the assassination of Mr. Boyd, the county solicitor?

Answer. I have heard of it.

Question. Have you investigated that case?

Answer. No, sir; it occurred before I came into the office of governor.

Question. Did all those cases which you have ordered your recording secretary to investigate occur since you came into office?

Answer. Yes, sir, and my attention was drawn to them. Whenever I received any notification of an occurrence of the kind alleged, I have invariably sought to investigate it where it was practicable. There are one or two instances that I have only indirectly received information of that I have not been able to investigate. I allude to that mentioned by Judge Minnis in his communication. I was sick in bed for two weeks under medical treatment before I left for Washington; but I shall investigate that case when I return. And in this connection I may say, that the administration of the criminal laws of Alabama is intrusted entirely to the judiciary, from the court of inquiry up to the supreme court. The power of the executive to enforce the laws is only where there is a combination to resist the government and the laws. The mere bringing of criminals to justice is entirely beyond the duties of the executive; it is intrusted to the sheriff and the constables of the county, and to the courts. Still, as a general supervisor of the entire affairs of the State, I feel it to be my duty on every occasion to ferret out crime where there is any dereliction of duty on the part of the officers. I have addressed a very peremptory letter to some of the solicitors. I have recommended in my message to the legislature a return to the old system of circuit attorneys, with a view of being able to command the services of men not only of respectable talent, but of weight and standing in the community; so that by the influence of their talents and their social respectability they would overawe the desperadoes and lawless men of the country. The legislature, however, did not adopt that recommendation, simply because there was an antagonism between the senate, which held over and the house of representatives, upon those matters pertaining to legislation which had occurred in a former legislature when that senate was a part of it.

By Mr. COBURN:

Question. Do you know how many of these young and inferior attorneys there are in your State?

Answer. One in every county.

Question. They are all young and inferior?

Answer. There are exceptions; but as a rule they are young men; the fees of the office would not pay their board.

Question. Are you acquainted with them?

Answer. I am acquainted with a great many of them. The one in Franklin County I do not suppose knew the first principle of law; however, I believe he has resigned.

By Mr. POOL:

Question. Would you not consider it your duty as governor, where the local authorities were remiss, or supposed to be in complicity with lawlessness, to send some judge or other officer there to make an investigation?

Answer. The law divides our State into circuits, and assigns a judge to each circuit; that judge is only cognizant of the criminal cases within his circuit; his jurisdiction is limited to his circuit.

Question. Cannot a district judge in Alabama issue a warrant against a criminal, to run in any county of the State?

Answer. Yes, sir; any judge can issue a warrant.

Question. To run in any county?

Answer. Yes, sir; and I suppose a judge of the supreme court could also do so.

Question. A local magistrate could not do it?

Answer. I believe his jurisdiction is confined to his own county. As soon as an affidavit is made of the commission of a crime within the jurisdiction of a magistrate he can issue his warrant, and that warrant can go to any part of the State.

By the CHAIRMAN, (Mr. POLAND:)

Question. And the party can be arrested anywhere on that warrant?

Answer. Yes, sir.

By Mr. POOL:

Question. Upon the warrant of a magistrate?

Answer. Yes, sir, if the offense has been committed within his jurisdiction; that is my recollection of the law; the warrant is addressed to any sheriff in the State.

By Mr. BECK:

Question. You were asked by Senator Pool if the disqualifications imposed by the constitution of the State of Alabama upon white men in Alabama were not limited to those imposed by the fourteenth article of amendment to the Constitution of the United States. I will ask you whether or not those men were prevented by the constitution of Alabama not only from holding an office, but also from voting; I mean those men who were disqualified from holding office alone by the fourteenth amendment to the Constitution of the United States? Does not your constitution disqualify them from voting, as well as from holding office, and thereby does it not go further than the fourteenth amendment?

Answer. I understood Senator Pool's question to be whether the disqualifying clauses of the constitution of Alabama were similar to those contained in the amendment to the Constitution of the United States and the reconstruction measures, and my answer was that I thought so.

Question. Now I ask you whether or not the disqualifications in your constitution do not go beyond the disqualifications imposed by the fourteenth article of amendment to the Constitution of the United States?

Answer. Yes, sir; they go beyond the fourteenth amendment of the Constitution of the United States.

Question. By disfranchising men from voting, as well as by preventing them from holding office?

Answer. Yes, sir; and that was the fact under the reconstruction measures.

Question. Let me read from the constitution of Alabama the qualification of persons for voting and holding office: "It shall be the duty of the general assembly to provide, from time to time, for the registration of all electors; but the following class of persons shall not be permitted to register, vote, or hold office: 1st. Those who, during the late rebellion, inflicted, or caused to be inflicted, any cruel or unusual punishment upon any soldier, sailor, marine, employé or citizen of the United States, or who in any other way violated the rules of civilized warfare. 2d. Those who may be disqualified from holding office by the proposed amendment to the Constitution of the United States known as 'Article XIV,' and those who have been disqualified from registering to vote for delegates to the convention to frame a constitution for the State of Alabama, under the act of Congress 'to provide for the more efficient government of the rebel States,' passed by Con-

gress March 2, 1867, and the act supplementary thereto, except such persons as aided in the reconstruction proposed by Congress, and accept the political equality of all men before the law: *Provided*, That the general assembly shall have power to remove the disabilities incurred under this clause," &c.

Answer. Let me read also a portion of the oath prescribed by the constitution of Alabama. It is as follows: "That I will never countenance or aid in the secession of this State from the United States; that I accept the civil and political equality of all men, and agree not to attempt to deprive any person or persons, on account of race, color, or previous condition, of any political or civil right, privilege or immunity enjoyed by any other class of men; and furthermore that I will not in any way injure, or countenance in others any attempt to injure, any person or persons on account of past or present support of the Government of the United States, the laws of the United States, or the principle of the political and civil equality of all men, or for affiliation with any political party."

Question. What I want to get at is this: Did not the people of Alabama seriously object to and protest against having a constitution that they had rejected forced upon them by Congress in spite of that rejection? That constitution went even beyond the proposed fourteenth amendment, and made those who took that oath agree forever afterward not to attempt to deprive any person or persons, on account of their race, color, or previous condition, of any political or civil right, privilege, or immunity enjoyed by any other class of men. Was not that a serious objection they made to it, at a time when political rights had not been conferred upon colored men?

Answer. That article and section embraced the chief and almost the only ground of objection to the constitution as proposed by the convention that framed it; the people of Alabama were very bitterly opposed to it on that account.

Question. I will ask you whether or not that very clause that bound them to agree never afterward to attempt to deprive any person on account of his race, color, or previous condition, of any political right enjoyed by any other class of men, was not regarded as especially obnoxious, as binding them to do things in the future that no other State was bound to do?

Answer. I do not know whether they dwelt especially upon that or any other clause of that article. But I may say that as a whole I knew of no white man of intelligence in the State of Alabama that did not object to that clause of the constitution in all its features, and that upon that clause in all its features they made the contest.

Question. Did or not the State of Alabama immediately after the war, when the thirteenth amendment was submitted to her, repeal her ordinance of secession, and also vote for the ratification of the thirteenth amendment?

Answer. Yes, sir.

Question. And was not the State of Alabama counted as one of the States voting for the thirteenth amendment when its ratification was proclaimed?

Answer. Yes, sir. I was on the committee of federal relations that reported that amendment.

Question. That was before any negro vote?

Answer. Yes, sir.

Question. Has not your legislature so changed the laws as to allow those under political disabilities now to vote in Alabama?

Answer. Yes, sir; all men are now allowed to vote.

By Mr. POOL:

Question. The legislature put that matter right about voting?

Answer. They did.

By Mr. BECK:

Question. You were asked as to the comparative knowledge of yourself and Governor Parsons in regard to the state of feeling in Alabama; I will ask you whether or not Governor Parsons—Lewis E. Parsons, I mean—would not himself be more likely to have the cold-shoulder turned towards him than any other political man in Alabama to-day in consequence of his past course? or I will put it in this form: is he not specially odious to the people of Alabama? you can answer the question in that form.

Answer. I can answer it in any form.

Question. Well, answer the question.

Answer. I think that Lewis E. Parsons is the most unpopular man to-day in the State of Alabama.

Question. Regardless of race, color, or previous condition?

Answer. I do not confine his unpopularity to the democratic party or to the republican party, but I take the State at large. Perhaps I may be permitted to give a reason, as this is to go on record.

Question. Before you give your reason I will ask you whether or not Lewis E. Parsons, was not one of the most bitter and denunciatory men in the State against the republican party and all its measures until Andrew Johnson went out of power and General Grant was inaugurated?

Answer. The democratic party to-day consider that Lewis E. Parsons was one of the chief agents in leading them into difficulties by his counseling non-action and the withholding of candidates in the contest when the constitution was voted upon; that he was a zealot in his opposition, and par excellence a leader of the democratic party in opposition to the reconstruction measures; that he was one of the strongest advocates of the democratic ticket in the presidential contest; that he counseled by telegraph from Washington the rejection of the fourteenth constitutional amendment, as I understand; and did many other things that the democratic party at that time, as I conceived, unfortunately accepted. When he had got them into that condition he suddenly turned around and became one of their most bitter adversaries.

Question. Was he not the chairman of the Alabama delegation in the New York democratic convention in 1868?

Answer. He was; I was not present, but that is my understanding.

Question. Was he not as denunciatory of the acts of the republican party up to the time of General Grant's election as any man you heard of in the State of Alabama?

Answer. He was; I heard him make a speech in Mobile to that effect.

Question. Do you know whether or not he remained here in Washington during the time of the attempted enforcement by Congress of the constitution of Alabama upon the people, as one who was urging and leading the opposition to it in every form he could?

Answer. I do not remember anything with regard to his movements at that time.

Question. Is it not generally believed by the people of Alabama (I do not ask you for your own opinion) that his conversion to republicanism, after General Grant came into power, was for the purpose of enabling him to put money into his own pocket? I do not want your own opinion, but what is the belief of the people of Alabama?

Answer. The belief of the people of Alabama is that he was actuated by interested and selfish motives.

By Mr. VAN TRUMP:

Question. Can you give us a few points of his Mobile speech?

Answer. I do not remember the points of his speech; the general point was denunciation of the action of the republican party toward the South.

Question. What was the date of that speech?

Answer. My impression is that it was in February, 1868, but I will not speak with positiveness about that; it was in February or the beginning of March, 1868. I am guided by another recollection which satisfies me that it was prior to the presidential election, from the simple fact that I dined with Mr. Forsythe, himself, and others. I said something laudatory of Andrew Johnson, and I remember he got up with a great deal of enthusiasm, caught me by the hand, and thanked me for the expression of my sentiments; and I do not think he would have done that when Johnson was out of power.

Question. Were you present at the trial which was brought for the recovery of the books and papers of the executive office in Montgomery?

Answer. I was.

Question. Governor Parsons says here that he was not present, but he understood from Governor Smith that during that trial from day to day, immediately in the rear of Smith's seat, was densely packed a body of men, strangers in the community, and who had arms on their persons.

Answer. There is not a word of truth in that.

Question. If I understood your examination yesterday, you said that at that time there were certain meetings in Montgomery that brought an unusual crowd of strangers there.

Answer. A meeting of the grand lodge and the Methodist conference.

Question. Was the legislature in session also?

Answer. Yes, sir.

Question. Ordinarily there would have been a large collection of strangers?

Answer. No, sir; I do not think there was an armed man; none in the court-house. There was very little excitement; the court-house was not crowded. I know of no arms being seen or used, or threatened to be used, during that contest, with one exception, and that was by an ally of Governor Smith, who walked with his pistol under his little cloak behind General Clanton. General Clanton suspected him because of his former reputation, and went up to him in the secretary of state's office, took hold of his cloak, threw it off, and took his pistol from under his arm, and then cursed him; he then handed his loaded pistol back to him, telling him that he was too cowardly to shoot anybody. That was the only thing of the kind that occurred during the whole excitement, as they called it, in Montgomery.

By Mr. COBURN:

Question. Are you on good terms with Governor Parsons?

Answer. I have not seen Governor Parsons to speak to him since this affair.

Question. Was he the principal counsel in that lawsuit to prevent you from taking the office of governor?

Answer. No, sir.

Question. Was he not one of the counsel?

Answer. He was one of the counsel; but he was off at Washington trying to get an injunction.

Question. At Washington?

Answer. It was reported he was at Washington; he may have been in Savannah.

Question. You have had no personal altercation with him?

Answer. Not in my life.

Question. Are you on good terms with him?

Answer. No more than to-day.

Question. Have you been on terms of friendship with him?

Answer. Never met him to speak to him since the contest.

Question. How near to him do you live?

Answer. Montgomery is one hundred and twenty miles from my house.

Question. Have you ever met him?

Answer. I do not think I ever met him. But to settle the matter I will say that I would not speak to him if I did meet him.

Question. Have you any feeling against him?

Answer. Not a bit.

Question. Why not speak to him?

Answer. Because I do not think he is worthy of being spoken to.

Question. Something has been said about the repeal of the law disqualifying certain persons from voting?

Answer. If you will allow me—I regret to speak of these things, but the question has been put to me—if you will allow me to explain my reasons.

Question. If you desire, certainly.

Answer. I desire to say that Lewis E. Parsons was the chief counsel in all this opposition on the part of Governor Smith to my admission to office. I believe if it had not been for him William H. Smith would not have hesitated for one moment to acknowledge my election. Therefore, as a public man, and representing 78,000 votes, I do not consider that I ought to speak to Lewis E. Parsons, or recognize him as being worthy of being spoken to.

Question. You testified as to the repeal of certain provisions, disqualifying persons from voting?

Answer. The legislature repealed that disqualification.

Question. What was that legislature?

Answer. It was a republican legislature; the same that was elected when the constitution was adopted.

Question. How long ago was that repeal?

Answer. I think it was in 1869; I do not remember the date. At all events, it was before the last election, and we were very glad of it, and thanked the legislature for doing it.

Question. You say that the people of the South, of Alabama, are a very generous, impulsive, and forgiving people. Do you think they have ever forgiven the Union people of this country for defeating them in the rebellion?

Answer. Entirely.

Question. They have got over all that?

Answer. Pretty well.

Question. You say they are a very grateful people. Do you consider they have been very grateful because they were not punished when the war was over?

Answer. That is a very Aristidean question.

Question. I want to know what they are grateful for, whether it is for that or for their having got exactly all they wanted.

Answer. I spoke of them in that connection ——

By Mr. VAN TRUMP:

Question. You spoke of that as their general characteristic?

Answer. I said they would be grateful to you for a kindly act. What I meant was this, that whenever the Government of the United States removed the disabilities of the people of Alabama, they would feel a gratitude that would bind them still stronger to the Government of the United States. If you will remember, that was the connection in which I used the phrase.

By Mr. COBURN:

Question. So much was said that I do not recollect all of it. My recollection is, that you testified that they were grateful for what had been done, or what would be done. I wanted to know what they were grateful for so far; whether they were grateful for anything so far in connection with their treatment by the Government.

Answer. I will illustrate: When Andrew Johnson issued his last proclamation of amnesty, we were grateful and welcomed it. If the Government of the United States would to-morrow pass a law removing all disabilities, and place all the citizens of the South upon an equal footing with all the citizens of other sections of the Union, they would be exceedingly grateful. And I now repeat, that not only would they be grateful, but that gratitude would have a tendency to bring us all closer together. I believe it would remove any remaining barriers to that harmony and concord of feeling that should bind together the people, not of one section, but of all sections of the United States.

Question. How many people in Alabama do you suppose are disqualified by reason of the fourteenth amendment to the Constitution of the United States?

Answer. I do not think I could approximate the number; the number is very large in Alabama, for the simple reason that the tenure of office there was much shorter than in most of the Southern States.

By Mr. VAN TRUMP:

Question. The tenure of office before the war?

Answer. Yes, sir. For example, the governor is elected for only two years in that State, while in some of the other States he is elected for four years.

By Mr. BECK:

Question. How long is the term of your justices of the peace?

Answer. It has varied; I think it is now for one year. Our circuit judges are elected for six years, and our members of the legislature before the war were elected for only one session.

Question. How many justices of the peace have you in Alabama?

Answer. I cannot approximate; I reckon there are 1,500 or 2,000; I should say 2,000 was an underestimate.

By the CHAIRMAN, (Mr. POLAND:)

Question. You have spoken in reference to the legislation of your State concerning railroads, and also in regard to some alleged misconduct of Governor Smith under that legislation. Has either that legislation or the action of the governor under it ever been made the occasion, or ever been made the pretext, for any lawless acts in your State, to your knowledge? Have there been any acts of violence or disorder growing out of those things?

Answer. No, sir; I know of no act of violence arising out of the bond question.

Question. Nor in relation to the legislation on that subject?

Answer. I know of no act of violence growing out of legislation in regard to railroads.

Question. So that whatever acts of violence or disorder may have been committed in your State, they are not traceable to that?

Answer. No, sir.

Question. Now, in relation to this Methodist phase of the subject; you are aware that a considerable number of years ago that portion of the Methodist Church in the South went off into a separate organization, and called itself the Methodist Episcopal Church South?

Answer. Yes, sir.

Question. Did that division of the church grow out of any difference at all in reference to religious questions; was it any theological difference?

Answer. I am not conversant with that subject.

Question. What was the subject that divided the Methodist Church into two parts at that time?

Answer. I must confess my ignorance upon that subject. The only difficulty that ever I knew connected with it was through the law, and that was in regard to the Book Concern.

Question. Do you not know, as a matter of general history of the time, that it was in reference to the subject of slavery?

Answer. Oh, yes, sir; I know that that was a cause of contention and disagreement.

Question. And it was upon that matter that the church divided into two organizations? You have never understood, have you, that there was any difference between the Methodist Church North and the Methodist Church South as to their theology, or religious doctrines and opinions?

Answer. I confess my ignorance upon that point.

Question. You have never understood that there was any difference between them except growing out of slavery?

Answer. I know, being reminded of it now, that slavery was a cause of difference, and in all likelihood the cause of their separation.

By Mr. VAN TRUMP:

Question. Was it not the fact that in the general conference a resolution or ordinance

was adopted by the Methodist northern members ostracizing a southern bishop for owning slaves?

Answer. I do not recollect that.

By the CHAIRMAN, (Mr. POLAND:)

Question. Since the war, the Methodist Church North, or the Methodist Episcopal Church, as they call themselves, have undertaken to set up their organization in your State?

Answer. That is my understanding.

Question. And to induce Methodists in your State to connect themselves with the northern organization, or the general organization, as they call it: and this Mr. Lakin, of whom you have spoken, and who has been a witness here, went down there to superintend the movement in your State on the part of the Methodist Episcopal Church?

Answer. He came there, as I understand for the purpose of establishing the Northern Methodist Church, but whether to superintend it or not I am not able to say.

Question. Did you not understand that he was the leading man in that movement?

Answer. I do not know anything about his position. I know he was considered a leading man in his activity in furthering that object.

Question. Do you know, or have you ever heard, anything against the character of Mr. Lakin as an earnest Christian man?

Answer. Well, I have heard so many things about him that sounded so unchristian ——.

Question. What have you ever heard about him that was derogatory to his Christian character?

Answer. So far as his personal character is concerned—his freedom from the commission of crime—I have no reason to make any charge.

Question. What have you ever heard of his saying or doing in your State that was derogatory to him as a Christian minister?

Answer. In the communities in which I have been, and heard him spoken of, I have generally heard the expression that he was a very bad and dangerous man; that he was fomenting disturbances between the races in his efforts to establish this Northern Methodist Church. That is about the extent and substance of what I have heard about him.

Question. Can you give anything more specific than that?

Answer. Nothing at all, further than general hearsay. I am not acquainted with the man further than a passing introduction.

Question. Have you heard anything more said in reference to him and his efforts than this: that he was assiduous and earnest in endeavoring to get Methodists in your State and Methodist churches also, to attach themselves to the northern organization?

Answer. That is alleged to be his chief object.

Question. Have you ever heard anything about his efforts there beyond that?

Answer. Not separated from that.

Question. Have you ever heard of his saying or doing anything in furtherance of that object that was derogatory to his Christian character, unless the object itself was derogatory?

Answer. Well, Christian character is a conventional term. The manner in which you put your question requires that I should be a little more lengthy in my reply.

Question. Take all the time you want.

Answer. We consider it derogatory to a Christian character, even for the advancement of the church, to raise antagonism in communities; to advance the church at the expense of social peace; to advance Christianity at the expense of harmony between the two races that existed in the South. We consider that entirely contrary to Christian character, no matter what the object, even the advancement of the Cross. We consider Mr. Lakin was an unchristian man, because he used his zeal and all his efforts to advance his church by persuading the negroes of the South that the white men of the South were their adversaries.

Question. Do you know, or have you heard, of his trying to foment any differences between the races? Were his efforts any more to get colored men to attach themselves to the Methodist Church North than to get white men to do so?

Answer. I cannot speak specially upon that subject.

Question. Was it not a general effort to attach Methodist churches and Methodist people of your State to the northern organization instead of to the southern?

Answer. Judging from his success I should conclude that his efforts were directed not only principally, but almost exclusively, to the colored race. I must confess that I know of no white congregation, nor of any white person, in the entire valley of the Tennessee—and there is a large population there—that belongs to the Northern Methodist Church. There may be in Huntsville; if there is, I am not aware of it. I stated yesterday that I understood that he had established three churches in the mountain regions of North Alabama, somewhere between Blount and Winston Counties, but that those organizations had subsequently dissolved, within the last six months; but that is only hearsay.

Question. I think Mr. Lakin stated here that there were seventy circuit preachers and one hundred and fifty local preachers under him.

Answer. In that State?

Question. Yes; and that many of the local preachers were colored men?

Answer. I have no doubt of that; one of the best colored friends I have in the State of Alabama is a local preacher of the Northern Methodist Church.

Question. Have you ever heard of any Methodist ministers who had attached themselves to this northern organization, or were preaching for that organization, being subject to any acts of violence, except the Mr. Dorman to whom you referred?

Answer. I know of no others.

Question. If there were any acts of violence committed upon any others than this Dorman, so far as you know, it was not on account of any bad character of theirs?

Answer. I know of none having been mistreated at all; there may have been, but I do not recollect them.

Question. This Mr. Lakin represented to us that several attacks, or several attempts, and persistent attempts, had been made to take his life. Do you believe that, because of an effort to establish this Methodist organization in the South in connection with the Methodist Church North, the people of Alabama, to any extent, or anybody there, would undertake to kill him?

Answer. I do not. I live in Mr. Lakins's section, and I never heard, until I read it in print here in the papers, that any effort had ever been made to take his life.

Question. Where is the State University located?

Answer. At Tuscumbia.

Question. Mr. Lakin was at one time elected president of that university?

Answer. I understand he was.

Question. Do you know that he went there to undertake the duties of president of that university?

Answer. My understanding is that instead of undertaking to assume those duties, he refused to accept the position. I cannot state positively about that.

Question. Did you never hear that he went there to undertake to assume the duties of that position, and was driven away?

Answer. I do not recollect anything of the kind.

Question. You never saw an account of anything of the kind in the newspapers?

Answer. No, sir.

Question. You never saw a newspaper with a cut representing him hanging on a tree, with a rope around his neck?

Answer. I never saw it.

Question. You say that a man from any other State who goes into Alabama and settles there and behaves himself, no matter what his politics is, is received with favor and well treated by your people in every part of the State; and that unless he does something to disturb the peace, no objection is made to him on the score of his politics. Is that substantially the statement you made?

Answer. My belief, based upon my experience and knowledge, is that a man may come from any portion of this continent to settle in the State of Alabama with the utmost impunity; and that his honesty, his energy, his industry, will be the measure of his respect, and not his politics.

Question. And you believe that a republican may make a republican speech there in entire safety?

Answer. Yes, sir; I have heard hundreds of them of the worst sort, and not a man raised an objection.

Question. Let me put a case. Suppose that a republican, and especially a republican from the north, before a general congregation of people of all colors and all politics in your State, should go on and argue to the colored people that the democrats had always been in favor of slavery and the republicans opposed to it; that the democrats were opposed to the negroes voting, and the republicans had always favored it; and that they owed their freedom from slavery and their right to vote to the efforts of the republicans, and that, therefore, they ought to be the friends and supporters of the republican party, do you believe he could do it with perfect safety and impunity in any portion of your State?

Answer. I have heard it done with impunity, and not only that, but I have heard a speaker, a member of Congress, Mr. Haughey, say that he was there to address the colored men, and to ask their votes, and that he did not want the votes of the whites. He spoke in great deal harder terms than you seem to signify.

Question. I am merely putting a case.

Answer. You are putting words in the mouth of some other person; I am aware of that. But I put it in stronger terms than you presented. You would be astonished if you could listen to speeches I have listened to, and you would conclude as readily as I do that any man can go there and express his opinions upon any political subject and not be interfered with.

Question. Do you think that has been the case for the last two or three years?

Answer. I have never known it otherwise. I have seen less disturbance at political meetings when such speeches as you are imagining were made than I used to see in the old times of whigs and democrats. Nearly twenty years ago I was prevented from speaking in Alabama by drunken men, simply because I was a democrat and they were whigs. I do not see that there is any change at all unless it is for the better.

Question. Did you hear of some riot or disturbance at a political meeting in Eutaw last October?

Answer. Yes, sir. I did not hear of anything else for a long time.

Question. Did you understand that, during a political meeting there, a large number of pistol-shots were fired into a crowd, and a great many persons injured?

Answer. O, yes, sir. I have heard of the Eutaw riot in all its phases.

Question. What were the circumstances attending that riot, as you understood them?

Answer. I was not present. I have heard it described again and again, and of course with variations. Do you wish that I should tell all that I have heard, or only the general result?

Question. State, from all the information you have about it, what, in your judgment, was the cause of it.

Answer. I understand that there were two political meetings held there upon that day, one by the democratic party, and the other by the republican party, on opposite sides of the court-house perhaps; and that at the republican meeting the difficulty ensued; that it arose at the time that General Warner and Mr. Parsons had perhaps addressed the crowd, and Charles Hays, the republican member of Congress, was about to address them; that somebody interfered with him, pulling him or shoving him from the table on which he was standing; and that at that time the firing commenced. There are various and conflicting accounts as to who commenced the firing. A gentleman of the name of Mr. Pierce was present, and perhaps in conversation with Mr. Parsons at the time it occurred. He was shot somewhere about the leg, the only white man who was shot there. The firing was then continued by both parties, as I understand—so I am informed—and a general riot took place, and that there were two negro men wounded. Every one with whom I have conversed have all been certain of the fact that in the riot there but two negro men were wounded; that none were killed, and none have died. It is generally believed that the negro men were not shot by white men at all; that the white men fired into the air. The fact is generally known and believed in that section, and everywhere throughout the State, that there were but two negro men wounded in the riot, and that neither of them died.

By Mr. STEVENSON:

Question And the supposition is that they were shot by negroes?

Answer. It is believed by parties that they were shot by negroes who fired upon the white men.

By Mr. VAN TRUMP:

Question. Unintentionally?

Answer. Of course.

By the CHAIRMAN, (Mr. POLAND:)

Question. Was anybody else wounded besides those two negroes?

Answer. No, sir, except that Major Pierce received a flesh wound. I met Major Pierce some six or eight weeks ago in Montgomery, and asked him to give me an account of that difficulty. I understood him to say that we went up to Mr. Parsons and requested him to suggest to Mr. Hays not to speak; that they wished both meetings to go off without any disturbance; and that Mr. Hays had some personal enemies among the young men at Eutaw, and a disturbance might result from the unkindly personal feeling that existed between the parties; that at the time he was speaking to Mr. Parsons some one fired and shot him through the leg. I may be mistaken, but, as I understood him, that was the first shot fired.

Question. Of what politics is Mr. Pierce?

Answer. He is the present mayor of Eutaw, and a democrat. He is now in the city of Washington. I have not conversed with him about the riot at this time, but that is my information, that there were but two wounded there. During the canvass it was reported that some fifty-four or five were wounded and killed there.

Question. Your information is that only two were wounded?

Answer. That is my information.

Question. And that is your belief?

Answer. I have only that information upon which to found a belief. There was a universal regret at the occurrence. I believed, and it was generally believed, that it had a very detrimental influence upon the result of the election.

Question. In that county?

Answer. No, sir; in the State. We believed the colored population would have voted much more largely for the democratic ticket if that had not occurred. It was repre-

sented to them that fifty-four of their race had been killed and wounded, so that in the adjoining counties of Perry, Dallas, Marengo, and other counties they voted against us on that account.

Question. You stated in your testimony yesterday that you believed this Ku-Klux organization, whatever it had been, was now at an end as an organization?

Answer. Its existence, so far as I knew it, was from rumor and general reputation; and the same authority justifies me in saying that it was disbanded years ago. And in this connection I may be permitted to say that when I said I had learned that such an organization had existed in Alabama, I did not wish to be understood as saying that it had existed throughout the State of Alabama, for I never heard at any time of the Ku-Klux organization having an existence in South Alabama; in what we call the Black Belt of Alabama.

Question. It was in North Alabama?

Answer. It was confined by rumor to the northern part of the State, adjoining the State of Tennessee.

Question. You have never happened to hear any man, who professed to have been a member of it, state that it was disbanded or disorganized?

Answer. I never heard a man acknowledge that he was a member of the Ku-Klux organization.

Question. Either existing or disbanded?

Answer. No, sir.

By Mr. STEVENSON:

Question. I understood you to say, in regard to the county of Greene, that Mr. Hays had become very unpopular there, and for that reason you had expected, but for this Eutaw riot, to have carried that county by a much larger vote?

Answer. I am judging from information. I have been informed by a gentleman who ought to know that we would have carried the county of Greene by a much larger majority had this riot not occurred. Personally, I know nothing of the popularity of Mr. Hays, nor of the political condition of Greene County.

Question. Are you aware of the fact that Mr. Hays received in Greene County precisely the same number of votes that Governor Smith did?

Answer. I suppose it was about the same.

Question. Each received exactly 1,790 votes?

Answer. Yes, sir.

Question. You received 1,825 votes; and Harris, Hays's antagonist, received 1,825 votes?

Answer. Yes, sir.

Question. So that there is no indication from the poll there of any unpopularity on the part of Mr. Hays?

Answer. No, sir. But let me state here that I am well aware, as you are all well aware, that in an election of that kind one candidate may give character and expression to the result in regard to the entire ticket, and that by working upon the unpopularity of one of the candidates you may drag all the balance associated with him upon the ticket down to the same result.

Question. Greene County gave Grant over 2,000 majority, while you carried the county last year?

Answer. Yes, sir.

Question. And the total vote was smaller last year than in 1868?

Answer. I do not know whether it was or not.

Question. The figures show that the total vote was several hundred less than in 1868, and yet the entire vote of the State was increased?

Answer. I question very much whether the vote was very much smaller; if it was any it was but a trifle smaller. There was a great change in regard to the negro vote throughout the State, with the exception of Montgomery and Dallas Counties. I will refer to Madison County, where there was no disturbance or interference; it has a majority of 600 negro voters. Have you the record of what was the vote for Seymour?

Question. It went for Seymour by over 600 majority.

Answer. I think my majority there was from 800 to 900; and yet there is a majority of 600 registered negro voters.

By Mr. VAN TRUMP:

Question. Majority over the white vote?

Answer. Yes, sir.

By Mr. STEVENSON:

Question. Are you aware that it was claimed that there was violence there; not rioting, but Ku-Kluxing?

Answer. I never heard of it.

Question. I observe by the returns that last year Smith carried the county of Macon

by about 500 majority, while in 1868 Macon was carried by Grant by about 1,300 majority; so that there was a falling off there?

Answer. In answer to that I may say that the last election was the first since the passage of the reconstruction acts when the democratic party entered into the contest with an earnest wish to work and gain, because they believed it was the first time when they could triumph, and triumph upon the unpopularity of the party that had been in power during the past two or three years. Therefore, the vote of 1868 is no criterion by which to judge the vote of 1870.

Question. Were there more voters in 1868 than then voted?

Answer. About 10,000 voters more.

Question. How in Macon County?

Answer. I cannot speak with regard to that county particularly; but I say that in 1870 was the first time when we believed we could carry the State, and therefore we went to work with earnestness, using all the persuasion in our power to get both white and colored votes. And it is upon the files of the War Department that in no election that ever took place upon the continent of America did more order prevail than in that election in Alabama; not in those words, perhaps, but that is the substance of General Crawford's report.

Question. You say that in Sumter there were several reasons why you should get a larger vote there than any other democrat in your State could get; are you aware of the fact that in Sumter County you ran precisely with Mr. Harris?

Answer. Yes, sir; or about the same.

Question. You and Mr. Harris each received 2,055 votes, while Mr. Smith received 1,438 votes, and Mr. Hays received 1,437 votes.

Answer. I think Mr. Harris's influence, he being a citizen of Sumter County, had a great deal to do with regard to the majority in that county. He was from that county, and is a very popular man; and up to the day of election we certainly expected that if he did not beat Mr. Hays in the district he would run him very close.

Question. Yet there was a falling off of 500 votes in the county of Sumter from the vote of 1868, as the figures show?

Answer. I do not know how that is.

Question. The aggregate vote of that county in 1868 was 3,965, while in 1870 it was 3,493. Can you account for the falling off in those three counties of Greene, Macon, and Sumter, of over 1,000 votes in 1870, as compared with the vote of 1868, while there was, in 1870, an increase in the aggregate vote of the entire State?

Answer. I cannot. I have not the data to determine what was the increase or the decrease in any county. The vote in some of the counties was increased, and in others it decreased.

Question. But there was an increase in the aggregate vote of the State?

Answer. Yes, sir; my county gave about the same vote last year that it did in the presidential election; it gained, perhaps, some 150 votes; we gave Seymour and Blair all the votes in the county but 45, I believe, while last year the republicans got 180 votes.

Question. You have several times expressed your opinion that the Ku-Klux Klan has been abandoned. Have you examined the testimony taken last August and September in Calhoun County, before one of the supreme court judges of your State?

Answer. I never saw it.

Question. It was an investigation of some acts of violence there; are you not aware of the fact that it was proven there by a number of witnesses, perhaps forty, that that county, and several of the adjoining counties, had been the scene of Ku-Klux outrages from some time in 1868 down to the acts of violence which were then investigated?

Answer. I do not believe it was proved by any such number of witnesses.

Question. Do you believe it was proved by any witnesses?

Answer. I think it likely it was proved that disguised men had committed crimes; but I would not believe that any such thing existed if forty thousand witnesses were to swear it, for Calhoun County is remarkable for its good behavior. It lies on the Georgia line, and on the Coosa River. I understood at the time that this man Luke referred to was killed by some disguised men, but that he was killed by Ku-Klux, as Ku-Klux are generally understood, I do not believe it.

Question. Are you aware of the fact that it was testified there on that examination by a man who professed to have belonged to the Ku-Klux Klan, a man by the name of Force, that the organization did exist in the State of Alabama, and also in the State of Georgia, and that he gave an estimate of the number of the organization in each State?

Answer. I do not know what he testified to.

Question. Do you know that such a man did testify, and also that he testified to such facts?

Answer. I do not.

Question. This is the first you have heard of it?

Answer. I think it is.

Question. You have power to institute such examinations yourself, have you not? That was done by Governor Smith, requesting a judge of the supreme court of the State to go there and institute an examination; that is in your power?

Answer. I have no right to institute any legal investigation, nor to swear witnesses.

Question. Have you not the right to request a judge of the supreme court to institute an investigation?

Answer. I have just such a right as any man in the State of Alabama has.

Question. Have you made any such request?

Answer. I have not, and would not be likely to do so, because we could find a justice of the peace in the precinct whose duty it is to do that, and there are circuit courts there. I would certainly ask the circuit judge, who has the same power as a judge of the supreme court in that respect, to sit upon such cases. That was the first time in the history of the State of Alabama, I believe, when a judge of the supreme court presided over a court of inquiry; so much was it the first time that the question of his right to do so was very seriously raised by the legal profession.

Question. You spoke of an act under which proceedings are now being had, in some of the counties, to recover damages for Ku-Klux outrages; that is an act approved December 26, 1868. Has that act had a good effect, a good tendency, so far as you have observed?

Answer. I think that in some respects it has deterred—well, it has had but very little influence, because it was passed at a time when, as I have said, but very few of these acts had occurred.

Question. There was no great occasion for it?

Answer. No, sir.

Question. But you think the tendency of it is good?

Answer. I cannot speak about the provisions of the act.

Question. But the general provision of holding the counties responsible?

Answer. I think the holding the counties responsible is a pretty good stretch of legislation for the crime of an individual.

Question. I mean the effect of the law in regard to deterring acts of violence?

Answer. I do not know whether it has had much effect.

Question. You spoke of one officer, who is a democrat, who is prosecuting these cases with a great deal of vigor; may it not be that the fact that he is to receive ten per cent. on the amount he recovers has something to do with his zeal?

Answer. I know the person, and I do not think there is a man on this continent less disposed to do anything for money than he is.

Question. He is fond of spending it?

Answer. He is a man of very great generosity, but as for men's motives I cannot say.

Question. I do not ask you to judge him specially. There is such a provision in the act?

Answer. I will answer you generally, that I do not think that would influence any solicitor.

Question. The title of the act is, "For the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages;" approved December 26, 1868. Did you at the time, as a citizen of the State, approve of the passage of that act?

Answer. Yes, sir; I approved of everything that was calculated to put down disguised men.

Question. You think it was justified under the circumstances?

Answer. I think it is justifiable, at all times and under all circumstances, to pass laws to put down men in disguise. I do not think any law could be too severe for a man who would put on a disguise and perpetrate a crime.

Question. The preamble of the act is as follows: "Whereas there is in the possession of this general assembly ample and undoubted evidence of a secret organization, in many parts of this State, of men who, under the cover of masks and other grotesque disguises, armed with knives, revolvers, and other deadly weapons, do issue from the places of their rendezvous, in bands of greater or less number, on foot or mounted on horses, in like manner disguised, generally in the late hours of the night, to commit violence and outrages upon peaceable and law-abiding citizens, robbing and murdering them upon the highway, and entering their houses, tearing them from their homes and the embrace of their families, and, with violent threats and insults, inflicting on them the most cruel and inhuman treatment; and whereas this organization has become a wide-spread and alarming evil in this commonwealth, disturbing the public peace, ruining the happiness and prosperity of the people, and in many places overriding the civil authorities, defying all law and justice, or evading detection by the darkness of the night and with their hideous costumes: Therefore, be it enacted," &c. You were nominated for governor in the summer of last year?

Answer. Yes, sir.

Question. You made a speech at Mobile shortly after your nomination?

Answer. Yes, sir.

Question. And that speech was published in the democratic papers in Mobile?

Answer. What purported to be my speech was published.

Question. Was it not taken down in short-hand and published in the democratic papers?

Answer. I do not know how it was taken; I heard it was taken down and reported by the republican reporter of the Louisiana legislature.

Question. Do you remember saying in that speech something in substance like this: "Only fourteen men in my beat voted for Grant, and they voted before breakfast; but if we [meaning the democrats] had known that the polls were to be opened so early there would not have been any votes for Grant." Do you remember that?

Answer. I remember saying in that speech that we had voted forty-five votes, I think, for Grant.

Question. That is in your county?

Answer. Yes, sir: and some thirteen or fourteen in my beat; that the polls had been opened earlier than usual, and but for that fact those men who had been misled (I think I named the parties who misled them) would not have voted for the republican ticket.

Question. These fourteen?

Answer. These fourteen; that is about the substance of what I said, and I do not believe they would have voted that ticket but for that. There was an effort made (it is not necessary to explain it, however) by one or two men of notorious character at that time.

Question. Was that a very unusual vote for your county, Colbert; was forty-five votes for the republican ticket an unusual republican vote there?

Answer. We did not expect to give any. I could give reasons why that county is in that political condition, but it is not necessary.

Question. You were mistaken in the number given for Grant; it was thirty-nine.

Answer. I said forty-five.

By Mr. BECK:

Question. Was there any intention to prevent them by force from voting?

Answer. None whatever; I never knew a man in the county of Colbert undertake to prevent a colored or a white man from voting as he pleased, or of any design to do so. I never asked a colored man how he intended to vote. I know I have been an active politician in that county, and I never asked my negro men to vote any particular ticket.

By Mr. STEVENSON:

Question. You live in that county?

Answer. Yes, sir.

Question. Grant got thirty-nine votes in 1868?

Answer. Yes, sir.

Question. How many votes did Smith get there last year?

Answer. I think he got one hundred and sixty or one hundred and seventy.

Question. The returns give him one hundred and eighty-two; and yet you claim that your party gained there from 1868 to 1870?

Answer. If you will look at that county you will find that my vote is precisely that of Seymour and Blair, or nearly so; and the increase of votes for Smith over Grant were the votes of persons who did not appear before.

Question. You did, then, substantially, make this remark in your speech about the fourteen voters, in your beat?

Answer. I made it with that explanation.

Question. What part did you take in the rebellion?

Answer. I opposed secession.

Question. You have already spoken of that.

Answer. After the State of Alabama went out I published a letter in May, 1861, stating that I had opposed secession; that I had seen no reason why I should change; but that as the State of Alabama had declared her independence I would cast my fortunes with her.

Question. What part did you actually take in the rebellion?

Answer. I was appointed adjutant of militia for North Alabama, but they were disbanded, and my office fell to the ground. I afterward went in, sometimes as a private and sometimes as a lieutenant. But I would rather not tell my military history, for there was very little glory about it. I can say in a few brief words that the military part I took in the rebellion was by no means a distinguished part.

Question. You did perform military service?

Answer. I was on the side of Alabama.

Question. You did your duty as a soldier?

Answer. I tried to do it: I do not know that I can say much about my soldiering.

WASHINGTON, D. C., *June* 19, 1871.

JAMES H. CLANTON sworn and examined.

By Mr. BLAIR:

Question. How long have you lived in Alabama?

Answer. Thirty-seven years.

Question. Are you well acquainted with the condition of affairs there?

Answer. I think so.

Question. What are your means of knowledge?

Answer. This is my twenty-second year at the capital of the State, where not only the legislature but the supreme court and the grand lodges meet, and conferences of the different churches are held. I was a member of the legislature before the war. I raised sixty-four companies for the confederate service during the war, from every part of the State. For four years since the war I have been chairman of the democratic executive committee of the State. I practice law there.

Question. What are your political antecedents?

Answer. I was a Union whig until after the war. I was a Bell and Everett elector in the Yancey district in 1860. Since the war I have been the only chairman of the democratic executive committee. I am now the chairman.

Question. Give us a brief summary of political events in Alabama since the war.

Answer. When the war closed we were very much disheartened and dispirited. The people saw that there was no alternative but to make the best of the situation—to go to work; and they supposed they would get back to just where they were in 1860, except with the abolition of slavery and the right of secession surrendered by those who believed in those rights. They thought that the rights of the State in every other respect would be the same. They accepted the situation in good faith, and were very much disposed to forgive and forget. They elected delegates to the State convention—such men as Ex-Governor Fitzpatrick, who was president of the first State convention held after the war. The vote to make the abolition of slavery constitutional by the State was almost unanimous; I know of but one member who opposed it—Alexander White, a leading republican in Alabama to-day. He turned over since Grant's administration. He was for white supremacy until lately, when he has told the people, in his addresses, that in his opinion they committed an error in abolishing slavery, and they had better take his advice for the future. Now he is a republican. He lives at Selma. If there was another member of that convention that opposed the abolition of slavery I do not remember it; he must have been a man of no prominence. I myself went to the State-house and advocated it in person. Afterward the question of the status of the negro before the law came before the legislature, and I went there in person and advocated the right of the negro to be placed precisely in the condition of the white man before the law; that there should be no distinction as to their testimony in the courts.

By Mr. VAN TRUMP:

Question. Including suffrage?

Answer. No, sir; that question came up afterward. When the thirteenth and fourteenth amendments were presented, Governor Patton, elected since the war, advised the legislature to accept them. Some of us, claiming to be representative men to a limited extent, went before the legislature and urged them to reject the amendments. I did so myself. We succeeded in having the fourteenth amendment rejected, on two grounds. Congress left it to us to accept or reject it, and in the exercise of that privilege we rejected it. What influenced us mostly to do so was this: We knew we were powerless; the Government could do what it pleased with us. We had followed the lead of General Lee, who, when the war commenced, declared to his sister that he would not draw his sword against the Government nor against his native State. Many of us were opposed to secession, and were not responsible for the war, and Congress called upon us who followed General Lee, to brand him as a traitor by our voluntary act—to place upon his brow, and upon the brows of our soldiers, the brand of inferiority. Therefore, we thought that self-respect demanded we should reject the amendment. We knew that Congress could do it, and we did not wish to become the voluntary instruments of doing it ourselves. So the amendment was rejected by the legislature. Then came the question of negro suffrage before our legislature. It was an exclusively white legislature. Mr. Brooks, a prominent member of the house, and a cousin of the late Preston Brooks, of South Carolina, advocated qualified negro suffrage. He had a respectable minority with him.

Question. By property, or what?

Answer. By education or property. Judge Goldthwaite advocated it, and the governor proclaimed that he would compromise upon it. I differed with some of my friends, and would have been willing to take almost any northern laws as to suffrage, as they existed before the war. The proposition, however, failed to receive a majority in any shape in our legislature. After that the question of the adoption or rejec-

tion of the constitution under which we now live came up. Congress provided that if a majority of the registered voters voted for it it was accepted; if they failed to vote for it it was rejected. Well, the last democratic State convention which met left the question as to policy entirely in the hands of the executive committee, of which I was president. This question had to be met, and it was a grave one, involving more responsibility than I wished to take. So I called together a council of about one hundred leading men in the State, embracing every ex-member of Congress and ex-judge in the State. We met and deliberated, and we concluded to vote against the constitution, with the hope of rejecting it. But for fear it might be adopted, we were at the same time to take care of ourselves by electing officers under it. Having agreed upon this, we were about to adjourn, when we received a dispatch from Governor Parsons, who was the accredited agent of the democratic party here in Washington, saying, "I am on my way to Montgomery; will be there to-night. Don't adjourn your convention; don't act till I get there." He came. Some few of our men had left. He made a speech in which he used this language: "So far as the reconstruction measures are concerned and this constitution, touch not, taste not, handle not, the unclean thing." He frequently used that language afterward in his democratic addresses throughout the State. Governor Parsons, Alexander White, then a leading democrat, who prepared the address on that occasion, but now a leading radical, and Samuel Rice, a man who has been a secessionist for thirty years, as he boasts, and with whom I have had many a passage at arms—these three men caused the council to reverse its action. They are now three leaders on the other side in Alabama. At this time the negroes were very much excited. The right of suffrage had been forced on them by Congress. They were all armed. They had half a dozen league rooms, I suppose, in our city—several at least—and they were under the control of very bad men—adventurers. A great many had got hold of muskets, and had organized in companies and battalions. This was another reason urged for not going to the polls, that it might lead to a war of races. The election came on. The white people did not go to the polls, or passed resolutions not to go. The consequence was there was but one democratic senator elected in the State, and he ran contrary to our policy. There is but one now in the State senate. We knew we could defeat the constitution without voting, and we thought if we defeated the constitution Congress would not go back on itself and force it on us. Hence the intimidation was all a myth. The democratic party resolved not to go to the polls, and we did not go. But the negroes marched to the polls by battalions, armed with muskets and stepping to the beat of drums. They stacked their arms around the polls, some standing guard. There was great confusion, and in the evening, in Montgomery, they got on the rampage and commenced firing their guns, the balls whistling through the houses and lots. They continued it in the night until Colonel Crittenden, the Federal commander, being afraid of the results, disarmed them as far as he could reach them. But many remained in the outskirts of the town firing their guns. The balls flew around my house pretty thickly. General Meade appointed the managers of the ele tion. They were all radicals or nearly so. He received their returns and counted the vote. He reported that the constitution, according to the form of law prescribed by Congress, had fallen short a good many thousand votes of the majority of the registered vote. We thought then that we would continue on under our own officers elected by the people. In that we were mistaken. Every one of those officers, so far as I know, was removed, and the men who had been voted for by the negroes under the constitution which General Meade said was rejected were installed in the places of those elected by law—installed by the bayonet. They are in office to-day, with few exceptions, having held over six years instead of four as prescribed by the constitution. We have been ever since under officers that we never voted for, except those we elected at the last election and where there have been removals. It has been very galling, but we have borne it. The first legislature after the war imposed a tax on our people of one-fourth of one per cent. for State purposes, which was sufficient. The very next legislature, which was radical and came in under the present constitution—a legislature composed of men elected from districts where they never lived—trebled the taxes, raising the rate from one-fourth to three-fourths of one per cent.; and now the funds are insufficient for the State government. The school-fund is in arrears about $150,000 and the public schools are in danger of stopping for want of money, as I am informed by the superintendent.

By Mr. BLAIR:

Question. Notwithstanding these circumstances what is the animus of the white people toward the Government of the United States?

Answer. It is very friendly. It is the mal-administration of the Government of which they complain. I can give you no better evidence of the attachment of our people to this republican form of government than to say, that however henious the offense of secession may have been in the eyes of you, gentlemen, when we formed a government for ourselves we made it almost a *fac simile* of the United States Government. We are strict constructionists and State-rights men, whether whigs or demo-

crats. The old Alabama State Journal, the organ of the Whig party for twenty years, edited by a Connecticut man, a son of the late president Bates of one of the New England colleges, had flying at the masthead "Organ of the State-rights Whig party." Though we were Union men we were strict constructionists and belonged to the Jeffersonian school of politics, and we established a government as nearly like that of the United States as we could when we seceded.

Question. Is there freedom of speech in your State at present to persons of all political parties?

Answer. No, sir; there is freedom of speech for republicans, white and black, and for white democrats; but there is none for colored democrats.

By Mr. VAN TRUMP:

Question. Why?

Answer. They are mobbed.

Question. By whom?

Answer. By the republican party.

Question. By colored or white men?

Answer. By colored men set on by white men who would not be recognized North or South by yourselves. I have seen it done. Colonel Grittenden saw it done and with his federal cavalry dispersed them.

By Mr. BLAIR:

Question. On what occasion?

Answer. A colored speaker by the name of Williams, of Tennessee, was making a democratic speech to the colored people.

Question. When was that?

Answer. I think it was in 1867 or '68.

Question. Was it after the constitution was adopted?

Answer. Yes, sir, I think it was. He commenced by telling them he was a captain in the Federal Army and had fought for their liberation; that he was a democrat and they had most to expect by making friends of their late masters; when a negro by the name of Abe Breck raised a disturbance to keep Williams from speaking—hooted and hallooed. When Williams came down from the stand they made a rush at him and his traveling companion, also a colored man, to mob him. Some ten or twelve of us white men held them at bay and got Williams in the house until the adjutant of the post, who witnessed it, got his cavalry up and they dispersed the mob. That is only one of many instances. There is a body servant of Governor Shorter, named Cesar, who has been in danger of his life for years—a very sober, quiet, industrious man, but a democrat.

Question. Where does he live?

Answer. He is now a porter about the State-house at Montgomery.

By Mr. VAN TRUMP:

Question. Does he vote with the democratic party?

Answer. Votes with it every time; but he has to be mighty shy about it, he tells me. They chased him one night into his yard for voting the democratic ticket—so he told me. Bob Barrington, another negro I know, was waylaid a month or so ago, and they tried to kill him.

By Mr. BLAIR:

Question. Is he a public speaker?

Answer. No, sir; neither of them.

Question. They not only will not allow them to speak for the democratic party, but will not let them vote?

Answer. No, sir; and when one of them tells you he is a democrat, he asks you to say nothing about it. At the last election they waylaid a negro coming from the polls, and nearly beat him to death; it was published in the Evergreen Observer. These outrages are very common. On the night of this row at Montgomery, they not only went for these negroes, but knocked white men down. A man by the name of McKay lay insensible in a ditch all night. There is constant intimidation at the polls. They go there very early and form a solid mass, so that you can scarcely get in to vote. They form a line, and put their sentries at the gate to examine every negro's ticket as he comes in. At the last election I saw the captain of a negro volunteer company in Montgomery stand at the steps of the court-house and look at every ticket as it passed him; we all saw it, and could not challenge him. It is $500 fine and imprisonment to interfere with voting. They vote as often as they please, and brag of it. There are three negroes to one white among us; they all look alike, and it would be like hunting for a needle in a hay-stack to identify them. They had to run the gauntlet as they went to vote; as they passed by this colored captain he took their tickets and examined them; if it was a democratic ticket he would take it and give them a republican ticket for it. He would not ask a question but take their tickets and open them. The man in the line would have to pass on or be stamped to death. I called the attention of General

Allen, the sheriff, to it. Major Randolph told me he saw a negro start to vote the democratic ticket, and they gathered around him and told him they would take his life; they said he belonged to their party, their color, and they had a right to kill him. I saw boys vote; you cannot challenge them as to age or residence.

Question. Is this intimidation carried on by any organization?

Answer. I cannot say; I never belonged to the Union League, but common rumor charges it to the machinations of the Union League.

Question. Did you hear any one of the negroes themselves state this to be the fact, those who desired to vote the democratic ticket?

Answer. Numbers have told me they would like to vote with us, but were afraid, and if they did vote they did not want anything said about it.

Question. Why; did they know there was an organization to prevent it?

Answer. They spoke in that way; that their party would get hold of them and they would be in danger.

Question. Is there now, or has there been heretofore, an organization in your State known as the Ku-Klux organization?

Answer. I do not think there ever has been. There have been some outrages by bodies of disguised men in two or three localities. All I have ever heard of, or can call to mind, are three. Governor Lindsay told me he saw some disguised men one night in Tuscumbia, who hung some negroes for burning a female academy, or threatening to burn it. He is the only man who ever told me he saw any. I have heard of disguised men killing a fellow in Greene County, I think by the name of Boyd; and I have heard of some outrages—I do not know whether it was by Ku-Klux or not—in Jackson County. I have also heard of the affair at Patona. I did not hear of the men being disguised in Jackson or Patona. I have heard of other outrages, but mostly by negroes. I can give names and places. In the county of Macon, where I was raised, Jim Allston, a colored republican member of the legislature, was shot in his bed as he and his wife were retiring, just after a league meeting in a church called Old Zion, in the town of Tuskegee. He charged a colored rival in the legislature and two accomplices with shooting him. He had them arrested and put in jail. I think they were acquitted. He was so certain it was these negroes that he sent for white citizens to come and stand guard over him, and they did so all that night, old citizens of Tuskegee, and democrats. I was up there the next day, and Governor Smith was there. The negroes commenced coming into town. The postmaster, named Armstrong, had sent word to them to come to town armed, and they came pouring in. They did not know who shot Allston, and were threatening to burn the town.

By Mr. VAN TRUMP:

Question. Was it understood that they shot him in disguise?

Answer. Oh, no, sir. They came pouring into town perhaps under the belief that some white man had done it, and they threatened to burn the town. Many women and children ran off to Montgomery. As I was going to the place I overtook this volunteer negro company on the pike going also to the scene of excitement. I knew it would not do—it would perhaps lead to a war of races. I jumped out of the hack and drew my pistol on the first lieutenant; some of them cocked their muskets and one drew a pistol, but I stood there and said, "You cannot go to Tuskegee." By that time the sheriff came up. I asked him if he was responsible for this, and he said "No." I asked if Governor Smith was, and he said "No." I then told the men to go back or they would get hurt. They did so. The military went up on the train. When I got to Tuskegee ——

Question. What was the distance?

Answer. About forty miles. When I got there, I found a great many negroes armed; houses were surrounded, and it was reported that every road leading to the town was guarded. I found one hundred and fifty white men under arms to protect the place. The three negroes were arrested, and the postmaster had run away that night to Montgomery. The officers of the county were all republicans, and are so now. They are candidates for reëlection. Governor Smith made the negroes a speech, and I made a speech. He came up and indorsed what I had said to the negro company. All the negroes in the company had come there with arms. A few nights before they had shot two white men—one by mistake for another man. A few weeks before they shot a man in his house. Governor Smith made a speech and counseled moderation. I did the same. I reminded them that all the judges and nearly all the legislature were of their politics, and they ought not to resort to arms, but to the law. I told them if any were too poor to prosecute a man for an outrage upon them I would volunteer my services. Well, we induced them to disperse, and then, as soon as the danger was over, the white men dispersed and the women and children who had fled to Montgomery returned.

Question. What became of the case of the men who were arrested?

Answer. They could not make the proof, and they were acquitted. Allston left there for Montgomery and is now living there.

By Mr. STEVENSON:

Question. When was this?
Answer. Last year—1870.

By Mr. BLAIR:

Question. What Congressional district is that?
Answer. Mr. Norris's district.
Question. How about the affair in Coosa County?
Answer. In Elmore County, formerly Coosa, all the county officers are republicans. A few months ago it was reported at Montgomery that a Northern Methodist preacher had been whipped up there. The governor, I believe, sent up and had an old man charged with it arrested.
Question. What was his name?
Answer. I cannot call it. It is the only case of the kind in Coosa County that I ever heard of. This old citizen gave bonds for his appearance, was tried before Judge Elliott, a republican, at the last term of the circuit court, by a mixed jury, white and black; subpœnaed by a republican clerk and sheriff, the prosecuting attorney being also a republican, and he was acquitted of any offense whatever.

By Mr. STEVENSON:

Question. Do you know whether the prosecuting witness was present at the trial?
Answer. He was on the stand, the man himself. The facts were about these, as stated to me by the sheriff: This preacher went there holding negro meetings and eating and sleeping with the negroes on this old gentleman's premises. The old man heard that they were holding meetings. The negroes had come to church with their guns, holding religious or political meetings—one or both, I do not know which. The old man hearing what this man was doing reprimanded him for his conduct, and told him to cease. He said, "If you want to do the negroes any good I shall be happy to entertain you; I own the place, but I do not like to have the negroes assembled with arms to worship God on Sunday. Come to me and I will treat you well." But they got into a quarrel. The old man's witnesses say the preacher jumped up with a carving-knife from the table, whereupon the man knocked him down with a stick and disarmed him.

By Mr. POOL:

Question. What was the preacher's name?
Answer. I cannot give it.

By Mr. BECK:

Question. Was it the case of Howe and Dorman?
Answer. I do not know.

By Mr. BLAIR:

Question. How about the case in Winston County?
Answer. My best information about that is that it is the only white county in the State that voted for General Grant, and that it is the only county where the white men have met andpassed resolutions that no negro shall settle in the county.
Question. What majority did it give for General Grant?
Answer. I do not know. It is the heaviest republican county among the hills; there are no negroes in it and they don't want any. There is more prejudice against the negroes in those regions than elsewhere. I heard about a reported embezzlement in Jefferson County. Just before I left the superintendent of education said that a man by the name of Lovell ran away from that county with the school funds, and his securities, who were republicans, had been down to Montgomery to try to compromise their liabilities with the State. He told me if it was necessary he would furnish a certificate to that effect.
Question. Did he report that he had been run away?
Answer. Yes, sir; that he had been driven away by the democrats.
Question. What race or party is it in your State which furnishes the greatest number of criminals relatively?
Answer. I could not say, with any degree of accuracy, what the proportion is, but taking the town of Montgomery, I think the average in our jail is about forty blacks to three or five whites. Our law firm does almost all the criminal practice there; there are three of us in the firm. I am satisfied that in the State of Alabama there have been two white men shot by negroes where there has been one negro shot by a white man. I give that as my opinion; I may be wrong. At least I could safely say that there are two outrages by the blacks to one by the whites. We cannot raise a turkey, chicken, or a hog. Planters of Montgomery, who before the war used to raise bacon at 5 cents a pound, have actually had to kill their shoats, and in some instances, every sow they had, in consequence of the stealing by the negroes; and we now have to

pay 25 cents for bacon. We dare not turn stock out at all. One man, within a mile of Montgomery, had either three out of five or five out of seven cows killed.

Question. Are you pretty well acquainted with the radical leaders in your State, black and white?

Answer. I reckon I have the best knowledge; it is impossible to know most of them.

Question. What is your information in regard to them?

Answer. As a general rule they are very bad stock. Lieutenant Governor Applegate, I believe, was from Ohio. He held a position in the custom-house at Mobile. He is dead, and it is generally understood that his last request was to be taken home to be buried. He was taken home. The speaker of the last house of representatives of Alabama, Mr. Harrington, came to Mobile very poor, from the Northwest somewhere. He was never a soldier that we know of. He is now very rich.

By Mr. VAN TRUMP:

Question. How long ago since he went to Mobile?

Answer. Since the war. Just after the war he was charged with running free negroes into Cuba. I do not know whether it was true or not. The present sheriff of Montgomery County showed me a reward offered for him, from what purported to be a northwestern paper, on a charge of bank robbery.

By Mr. POOL:

Question. What are his initials?

Answer. I cannot call them.

By Mr. STEVENSON:

Question. What is the sheriff's name?

Answer. Barber. He requested me to say nothing about it lest Harrington should get away. He said he was going for him that night; that he had his accomplice in jail and the accomplice said Harrington was the man. The description he showed me was life-like.

By Mr. BLAIR:

Question. Could not be mistaken?

Answer. No, sir; a man of marked physique. I did not give this information at the time to any of my law partners, but they smiled when I told them that Harrington would pay more reward to Barber, and we would never hear of it again. And we never did hear of it till we published it in the last campaign, to which Harrington, who still lives there, made no response whatever. I have published a good deal about him and I am confident that was included in it. Colonel Thomas H. Herndon, a prominent lawyer of Mobile, said to me that a friend of his, a reliable man, told him that ——

By Mr. STEVENSON:

Question. His name?

Answer. I cannot call his name now; he will give it. He says his friend saw Harrington, during the last session of the legislature at which he presided, take a crowd off to drink champagne at a bar-room known as the Rialto, in Montgomery, and when remonstrated with for his extravagance he ran his hand in his pocket and pulled out seventeen $100 bills, with the remark that he could afford it as he had made that much in one day in engineering a bill through the house.

By Mr. VAN TRUMP:

Question. Did you make that charge in your paper?

Answer. Yes, sir; I think it is all there. I will send the committee the papers. Mr. Eugene Beebe, of Montgomery, whose father is a Methodist preacher in the State of New York, stated to me that he paid Harrington either $500 or $600—I believe it was $600—to advocate a lottery charter before the house of which he was speaker. He said, furthermore, that he approached a great many, if not every republican in the house, and there was but one man that hesitated about a bribe in that same measure, and he was a negro from Mobile, now dead, but that he finally took $50. But he said there was one old white fellow who, when he took the $50, said: "I will pay you this back, this is borrowed money;" but he never paid it back. That is the nearest approach he found to honesty in any member of that legislature.

Question. Did the bill pass?

Answer. Oh, yes; and they have made a great deal of money under it—grown rich. Mr. Beebe has lived there over twenty years. Well, that is the speaker of the house. A large majority of the entire body are as destitute of moral character and social position.

By Mr. BLAIR:

Question. Were many measures of that description passed?

Answer. Yes, sir. There was one huge swindle which has been published to the world

Ex-Governor Patton, a Douglas man, whose disabilities I believe have been removed, published, just before the last election, that while in Boston some of the parties to the Alabama and Chattanooga Railroad, known as the Stanton road, upbraided him for allowing their charter to cost the company $200,000.

By Mr. STEVENSON:

Question. Reproached him for allowing it while he was governor?

Answer. No; I am not sure that Smith was governor. But they made Patton a director and vice-president, I believe, but he being an honorable man quit them.

Question. At any rate they claimed that that is what the charter cost them?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Through what legislature?

Answer. The radical legislature, before the last. George Holmes, banker of the firm of Holmes & Goldtwaite, says that the night either the charter or the appropriation of bonds for the Stanton road was pending, the president of the North and South road from Montgomery to Decatur called on him for $10,000, saying that John Hardy, a republican senator from Dallas County, formerly Marshall of the United States for Alabama, since the war, had agreed to put his bill through, or to let his road off with $25,000. It was a sort of omnibus bill, and the rascal now demanded $10,000 more that he would have to pay out, and he loaned him the money. This fact was also published by me in the last campaign between Lindsay and Smith. J. P. Stowe, present republican senator from Montgomery, says—and this has also been published—that from his best information John Hardy carried off, the night the legislature adjourned, $150,000, but that it was not all his; that he had collected some for the men which had not been paid over.

Question. The judges of all your courts, I believe, were elected at the time the present constitution was voted down?

Answer. Yes, sir, very generally; the circuit judges were elected and every one of them is a republican. The supreme judges are elected by the legislature.

Question. These judges were elected at the time the majority of the people refrained from voting?

Answer. Well, I cannot say all of them were; the supreme judges and chancellors were chosen since by the legislature.

Question. By the legislature chosen at that election?

Answer. Yes, sir.

Question. Hence they are all republicans?

Answer. Yes, sir, all that I know. Where vacancies have occurred in the counties they have put in democrats.

Question. In all cases?

Answer. Where they have had the majority. There are very few democratic officers of any kind in Alabama, except the lieutenant governor, secretary of state, and treasurer.

Question. How are the probate judges and county clerks elected?

Answer. By the people, when they voted on the constitution.

Question. The probate judge, sheriff, and clerk of the circuit court, in each county, had the appointment of the election officers?

Answer. Yes, sir.

Question. All these officers were elected in 1868, at the time the constitution was rejected?

Answer. Yes, sir, all the county officers were elected at that time, I believe.

Question. So that the officers who appointed your judges of election, at the last election, were generally republicans?

Answer. Nearly every one of them.

Question. Who appoints the registrar of the votes?

Answer. The judge of probate I, believe. The republican party appointed all at the last election.

Question. So that the machinery of the election was all in the hands of the republican party at the last election?

Answer. Yes, sir, and the machinery of the counties is now; the chancellors, circuit judges, sheriffs, judges of probate, county commissioners, are nearly all now republican, notwithstanding we have a democratic majority. Their terms have not expired.

Question. Have the school superintendents power to assess taxes for school purposes?

Answer. No, sir.

Question. How is the school fund raised?

Answer. There is, I believe, a three per cent. fund, that the schools got before the war. Then the constitution provides that one-fifth of the entire revenue shall go to the school fund. But the late superintendents of education have, in many cases, embezzled it, and some have run off—both sons of the former superintendent of education

at Montgomery (Dr. Cloud) have run away. Colonel Hodgson, present superintendent, says there are $50,000 or $60,000 in the hands of the republican superintendents that have been embezzled or not accounted for, and he spoke to our firm about suing for it. A school-teacher in Montgomery came to me and said that a former superintendent in Montgomery had his money, and would not pay it over. Then, Mr. Lovell has run away with the funds, and his bondsmen have been trying to compromise their liabilities.

Question. Is there any plan by which the negro vote is controlled by the republicans?

Answer. Well, I think the Loyal Leagues and their counselors resort to all sorts of devices, according to circumstances. For instance, they have commenced the campaign in Montgomery for the election of sheriff and tax collector in November next. Last week I was informed that Sheriff Barber and Mr. Coffin—both republicans—went out to a negro-baptizing about five miles from town, took a bottle of whisky, let the negroes drink first, and then they drank. They go around to all the negro picnics cultivating the negro. They have them at their houses, and they have music—so it is reported and not contradicted. The wife of one of them performs on the piano for political effect, it is said. The prospective candidate dines them at his house, and they resort to secret councils.

Question. Is there any sentiment in your State among the white people against settlers from other parts of the country?

Answer. No, sir; we are very much in need of good men from all parts of the world; we offer every inducement to get them, and when one comes in we take him by the hand and encourage him—treat him well. I have never heard of one in the county of Montgomery being interfered with by a neighbor. We need population and capital, and our people are trying to form copartnerships with people at the North who have capital. Instead of being prejudiced against their coming we are in favor of it.

Question. How is the epithet carpet-bagger, which is so odious, applied, and to whom do you apply it?

Answer. If a man should come there and invest $100,000, and in the next year should seek the highest offices, by appealing to the basest prejudices of an ignorant race, we would call him a political carpet-bagger. But if he followed his legitimate business, took his chances with the rest, behaved himself, and did not stir up strife, we would call him a gentleman. General Warner bought land; I fixed some titles for him, and I assured him that when men came there to take their chances with us for life, we would take them by the hand. But we found out his designs. Before his seat in Ohio had got cold, he was running the negro machine among us to put himself in office. Hence we call that carpet-bagging, where a person comes among us and tries to do something which he could not do in the North before the war. If I had gone to the North and set myself up as a candidate for United States Senator, I would have been ridiculed. I could not have attained that position in twenty years. It is worth the effort of twenty years to attain. But he came just after, if not before, his senatorial term in Ohio expired, and, by ringing in with the negroes, attained that position. Our present governor, Lindsay, is from Scotland, and has been among us about twenty years. He married Governor Winston's sister. Judge Goldthwaite was born in Boston, and his wife is a near relative of Mr. Wallach, of this city; his mother was English, and his brothers and sisters are Northerners. We long ago made him supreme court judge, and now we have made him senator.

By Mr. STEVENSON:

Question. How long has Mr. Goldthwaite been there?

Answer. Thirty-five years, I reckon.

Question. Before the war there was no such term as carpet-bagger?

Answer. There was no such character before the war. We were States with equal rights and privileges, regulating our own institutions, and nobody could have carpet-bagged over us in that way.

Question. You are not a native of Alabama?

Answer. I am a native of Georgia.

Question. Does the term carpet-bagger apply to a man coming from Georgia to Alabama?

Answer. Yes, he would be a Georgia carpet-bagger, if he came in the same way. We set down our own people who act that way as the meanest.

Question. You call them scalawags?

Answer. Yes, sir; we have less confidence in them than in carpet-baggers.

Question. If a man should come from Georgia and act badly, would you call him a scalawag or carpet-bagger?

Answer. Scalawag; southern men we call scalawags. The name originated in a fellow being kicked by a sheep so that he died. He said he didn't mind being killed, but he hated the idea of being kicked to death by the meanest wether in the whole flock—the scaly sheep. We mean by scalawag a meaner man than a carpet-bagger.

Question. The superlative?
Answer. Yes, sir.

By Mr. BLAIR:

Question. You know Governor Parsons?
Answer. Yes, sir.
Question. He was at one time acting with the conservative party?
Answer. He was an old-line whig up to Buchanan's election, when he joined the democrats, giving as his reason that as the whigs could not elect their candidates they ought to help defeat the black republican party. I believe he voted for Buchanan. In the next race he voted for Douglas. He was in the Alabama legislature, and either introduced or voted for resolutions, the substance of which was this: Invoking the blessings of Heaven on the head of Jefferson Davis, and praying that God would spare him to consummate his holy purposes. Both of his sons were in the confederate army—one before he was liable to conscription, if not both. Jabez L. Curry charged Parsons with being a reconstructionist or disloyal to the Government toward the close of the war. Young Parsons, who is a spirited boy, was so indignant at the charge that he shot Curry and wounded him. Afterward Dr. Ware, of Montgomery, an old man, said he believed Parsons was a reconstructionist; that was the last year of the war.

Mr. POLAND, (Chairman.) Is there any necessity of going into this?

WITNESS. I can close in a minute by saying that when Mr. Norris was in Congress, Governor Parsons told Mr. Barnes, of Alabama, that it was necessary for him to go over to the other side; that he had heavy claims against the Department, and it was necessary to go over to the party in power to get them through.

By Mr. BECK:

Question. Did he give that as a reason for becoming a republican?
Answer. Yes, sir; that is what Mr. Barnes told me.
Question. Is it not generally understood to be the fact in Alabama?
Answer. I have heard it spoken of.
Question. Is there not great prejudice against him, owing to the fact that they believe he has changed his politics for mercenary purposes?
Answer. Yes, sir.

By Mr. BLAIR:

Question. What is the position of the democratic party in your State on the subject of the education of the negroes?
Answer. They are most decidedly in favor of it. The superintendent of education, Colonel Hodgson at this time, is a democrat, and he is laboring with a great deal of zeal. We have separate schools, but he gives to every child in Alabama alike, making no distinction. Just as I was leaving he sent me a programme of the State educational convention, which I here submit to the committee, in which I am announced as one of the speakers on the occasion.

On motion of Mr. Van Trump, the programme was ordered to be incorporated in the testimony as follows:

"*Alabama State educational convention, to be held in Montgomery, Alabama, July* 18, 19, *and* 20, 1871.

"The committee of arrangements have decided upon the following programme of exercises for the Alabama State educational convention, which convenes Tuesday, July 18th:

"PROGRAMME.

"FIRST DAY—*Tuesday, July* 18, 1871.

"10 a. m.—Convention assembles at the hall of the house of representatives, Montgomery. Temporary organization. Committee appointed to report permanent officers and committees.

"10.30 a. m.—Address by Rev. B. F. Peters, superintendent of Fayette County. Subject: 'The public school system of Alabama.' Debate: 'How shall our system of public instruction be improved?'

"AFTERNOON SESSION.

"3 p. m.—Report of committees and miscellaneous business.

"4 p. m.—Address by Rev. Dr. E. Wadsworth, of Montgomery: 'Education of morals.' Debate: 'How are morals best taught in the public schools, and to what extent should they form a part of public instruction?'

"EVENING SESSION.

"8.30 p. m.—Address by Hon. John W. A. Sanford, attorney general. Subject: 'Influence of literary studies upon a people.' Debate: 'What should be the relative scope of classical and scientific studies?'

"SECOND DAY—*Wednesday, July 19.*

"Convention meets. Address by Hon. Jasmes L. Tait, commissioner of industrial resources: 'The necessity of technical education in Alabama.' Debate: 'How far should the State provide for education in the applied arts and sciences?'

"11 a. m.—Address by Gen. James H. Clanton, of Montgomery: 'The education of our colored people.' Debate: 'What is our duty to the colored race in the matter of education?'

"12.30 p. m.—Miscellaneous business.

"AFTERNOON SESSION.

"3 p. m.—Reports from committees and business.

"4 p. m.—Address by Hon. Martin V. Calvin, of Augusta, Georgia, commissioner of public schools: 'Geography: when it should be commenced, and how taught.' Discussion of this and kindred subjects.

"EVENING SESSION.

"8.30 p. m.—Address by General John B. Gordon, of Georgia. Subject: 'Education at the South.' Debate: 'How can the southern people be aroused to the necessity of public instruction?'

"THIRD DAY—*Thursday, July 20.*

"9 a. m.—Report of committees and miscellaneous business.

"10 a. m.—Address by Jos. Win. Moses, esq., of Montgomery. Subject: 'The Jew and education.' Debate: 'Should the public school fund be apportioned the religious sects?'

"12 m.—Address by Dr. Jerome Cochran, of Mobile, professor of chemistry, medical college of Alabama, &c., &c. Subject: 'The medical school as a branch of our university.'

"1 p. m.—Unfinished business.

"AFTERNOON SESSION.

"3 p. m.—Business. Address from Captain N. C. Cross, Selma. Subject: 'The public schools of Selma, and their success.' Debate: 'How can the school fund be best supplemented?'

"EVENING SESSION.

"8.30 p. m.—Address from Colonel W. T. Walthall, Mobile: 'Shall we follow or lead.' Discussion and final remarks as to the labors of the convention.

"The meetings of the convention will be held at the hall of the house of representatives, (capitol.)

"The hospitalities of the citizens of Montgomery will be extended to the members of the convention. The names of those who propose attending should be sent in advance to the superintendent of public instruction, so that the committee upon reception may provide for their accommodation.

"Free return-tickets over all the railroads will be furnished as usual to all members by the secretary.

"Not more than ten minutes are expected to be occupied by each speaker in debate.

"JOSEPH HODGSON,
"*Chairman of Committee of Arrangements.*

"J. J. LANGHAM, *Secretary.*"

Question. You say you are announced to speak on the occasion?

Answer. Yes, sir. I attended the first examination they had and examined the classes in person. Since then I have received no invitation to examine the classes publicly myself. I made a speech in reply to Senator Wilson, of Massachusetts, when he was there.

By Mr. VAN TRUMP:

Question. Who gives out the invitations for the examinations?

Answer. The republican superintendent invited me at the first examination. Since then I have had no invitation, though I wanted to do the negroes good; but they have kept as shy of me as they can. I have subscribed to build their school-houses, and other democrats generally do it.

By Mr. BECK:

Question. The subscriptions are not limited to you?

Answer. Oh, no, sir; subscriptions for churches and school-houses are going around all the time. I helped build the first Baptist church, and when it was dedicated to be turned over to the colored people a white minister preached the sermon, and a number of white ladies went to attend the services. Now that the negro is a voter we would rather have him educated and intelligent. We do not think he will steal as much. And if we do not educate him he will go back to barbarism. In the interior they have got snake bones and such things.

By Mr. VAN TRUMP:

Question. These are objects of worship?

Answer. Yes, sir. In Lowndes County about two months ago they killed a negro boy about twenty years old for bewitching somebody that was sick. The tendency is to go back to barbarism, and but for contact with the white people they would do so in any country in the world.

Question. Was the minister who preached at the dedication and installation of his negro successor, a democrat or republican?

Answer. A democrat; a chaplain of a confederate regiment.

Question. What denomination?

Answer. Baptist.

By Mr. BLAIR.

Question. There has been some testimony before the committee in reference to the burning of negro school-houses and churches; do you believe there are any respectable number of white people in Alabama who would countenance such things?

Answer. There is not a gentleman in the South, or lady, who would do it.

Question. Have you ever heard of any such occurrence?

Answer. I can call to mind only one. Just after the war two men were charged with burning a negro school-house in Lowndes County. They were put in the Montgomery jail and sent for me to defend them. I recollect expressing myself very bitterly against them, if guilty. They told me they were innocent. I was absent at the trial, but they were acquitted. I have never heard of any negro church being burned, or if I have it has escaped my memory. We have bad white boys who, as in old time, want to quit school, and would burn the school-houses.

Question. Do you believe public opinion in any county in your State would tolerate such a thing?

Answer. There is not a county that would not disgrace a man who would own or acknowledge it.

Question. Would not the act be punished?

Answer. Yes, sir; it would be punished. A great many confederate soldiers are teaching these schools. An orderly sergeant of mine is teaching; a school-mate of mine also, and a cousin of my step-mother. The widow of a soldier who fell as color-bearer came to me to know what to do; she was weakly, and had children to bring up. I advised her to take a negro school. She consented, and I got a school for her to teach. I did not consult anybody as to the propriety of it, because I knew it was right. The next day I met twelve prominent men and stated the fact to them, and eleven of the twelve said I had done exactly right; the other was a man of pretty strong prejudices. A Catholic, who had been teaching a Catholic school in Mobile, came to me for something to do. Said I, "Go and teach a negro school." He went off, and the next time I saw him he had a negro school. The teachers are responsible for what prejudices there has been against negro schools. For instance, there is a negro college that I subscribed money to help inclose, and I understand Judge Goldthwaite gave $500 worth of land for its location. I told the mother of a little yellow boy living on my lot to send the boy to the school, and if she could not pay I would pay for him myself. I attended the examination. I was told by people that they had all sorts of caricatures to prejudice the negro against the white man—pictures of the negro as a slave and as a freeman. A radical delivered an address reciting the wrongs against their race. The school was under radical régime, the teachers were strangers to us, and it was a political nursery to prejudice the race against us. As the negroes number three to one white person among us it is a very serious question. What prejudice there is has been created in that way—creating the impression that we are their enemies. Every effort is made to prevent our harmonizing with them. Just after the war there was a large bar-

becue got up of whites and blacks. There were no candidates then; the object was to harmonize and prevent a war of races. There was a mean Southern white man who had turned radical. Before that I had had as a military officer to protect the negroes against this very man. He told the negroes that the whites had got them to go there to poison them. We had two long tables; the ministers of the gospel were there, and the whites were going to march in to one table and the negroes the other. But the negroes did not come, and I had to go back up town among them and make a speech, in which I denounced this fellow for getting up this feeling. After awhile we got one and another to the tables. That was all done in the interest of peace. This worthless scamp said he was in favor of their rights.

Question. What policy would be best, in your judgment, to be pursued by the Government to benefit both races, and renew the good feeling of the Southern people toward the Government?

Answer. A generous policy. If we felt that we enjoyed all the rights and immunities of Massachusetts we would vie with that State in devotion to the Government. But when we are slaves we cannot love the Government. We cannot love a maladministration which measures a man's political rights by his political opinions. I believe this is the only Government that does so. For instance, Judge Rice has been a secessionist; I have fought him on it again and again. Now he finds me a democrat and I find him a radical. He is a citizen; I am not. He did all he could to break up the Government; I to save it. It just amounts to this. It is the only country in the world where a man's rights as a citizen depend upon his political opinions. If I say I am a republican my shackles fall from my limbs very soon. He said he was a republican and they fell from his limbs. We cannot be expected to love an administration that treats us thus: that puts ignorant negroes over us and tramples under foot virtue, intelligence, and morality; that forces on us a constitution and law-makers. Very few of those who are over us have a military reputation, but they are the offscouring of creation—political and military squaws from all parts of the habitable globe, including the Canadian negroes.

Question. What would be the effect of such a policy?

Answer. When General Grant made his Southern trip both parties were speaking of him for the Presidency. He went as far as Memphis, reported all quiet, and advised mild measures. That waked a very cordial response in our hearts. And when General Sherman wrote his letter the other day, men whose houses had been burned by his soldiers said, "Let us go for Sherman; he will carry the Government back to the old track, and do justice." If a generous policy was pursued these foreign intermeddlers would leave us, and the two races would get along very well. It is a mistake that the negro would be oppressed. It is to our interest to keep his confidence. We have no other labor. If you do not pay him this year for his work, he will not work for you another year, and he will prejudice every other negro against you. Our interest is mutual. They need our superior guidance and direction, and we need their labor. We would get along well if we were let alone. But there are a few men who say to him, "Now you watch these conservatives; they will put you back into slavery if they can; they are only doing you kindnesses to get your votes." That influence renders us powerless, exasperates the negro, keeps up strife, and perpetuates antagonism, which is against our wishes and interest. The disabilities are very galling to our people. Not that our leading men want office; very few of them do. There was no scramble of our leading men after the war. We want to build up our waste places, and retrieve our lost fortunes. But the people demand the services of our best men, and cannot get them. It not only makes the men who are under disabilities, but those who are not, complain and chafe that they cannot send good men to the legislature or Congress.

Question. You lose the services of your best men?

Answer. Yes, sir; the House is composed almost exclusively of young men without legislative experience. There was not one old leader, not one experienced directing mind in that body, though there were some very promising men. Hence the interest of the State suffers. And let me say in this connection that if there should be a foreign war it would be a very singular proposition to call upon a man to fight for his country while you keep him in chains and do not allow him the privileges of his former slaves. It is not animosity against the Government, but to make a man love his country you must give him the rights of every other citizen of the country. If that was done and there should be a foreign war, our people would respond with alacrity; would vie with the North in patriotism, as they did in the revolutionary war, the war of 1812, and the Mexican war. But they would not want to go into battle as inferiors. This is a constant source of irritation.

By Mr. BECK:

Question. I will ask you whether or not, as chairman of the democratic central committee of Alabama, it was either required or was the habit of the people, to send to you reports of such outrages as were alleged to be committed in different parts of the State, so as to get at the facts?

Answer. Yes, sir; they did not do so in all cases, but that was the rule. Several times we were written to. For instance, in Elmore County there would be some slander published, and they would write to me, saying, "Tell Governor Smith (or Parsons) to pay no attention to it."

Question. The habit was to report the facts?

Answer. Yes, sir.

Question. Do you consider that you are as fully advised in regard to the condition of the State as any other person in Alabama?

Answer. Without arrogating anything to myself, I think I know more about it than any man in Alabama. I have lived there thirty-seven years, and have been a most active man; belonged to the old whig party, and belong now to the democratic.

Question. What has been the effect of the action taken by the Northern Methodist church preachers upon your population, in regard to the church or church government?

Answer. Well, sir, I could not go into particulars further than I have. They go there in a twofold capacity; they profess to be emissaries of Christ, and they seem to be emissaries also of the radical party; they preach their religion and their politics at the same time. That is the general belief there. There are not many of them, however.

Question. Do you know a man by the name of Lakin; if so, what is his character so far as you have heard it spoken of?

Answer. He is a man of very bad character. I would not know him if I were to see him. He was notorious there as a mischief-maker and a stirrer up of strife.

Question. A man of notoriously bad character?

Answer. I would say so. I never knew of his stealing anything or killing anybody, but I speak of his general reputation as a mischief maker.

Question. What has been the effect upon the negro population of the political excitements—warnings, threats, and promises, made to them? What has been the effect upon their labor and their advancement as a people?

Answer. It has been, to a certain extent, to paralyze their labor. There are great droves of them in every city and village attending political meetings. It is a wonder how they live. But they are now losing their confidence in their leaders very much; gradually their leaders are losing their hold on them.

Question. What do you know about promises made to them of land, mules, and other property, if they voted the republican ticket, and of threats to be put back into slavery if they did not? How far have they been influenced by such promises and threats?

Answer. They have been influenced greatly by threats and promises. The general impression among them unmistakably was that if the democrats get into power they would be put back into slavery. The more ignorant believed this, but they all believed that they would be deprived of the right of voting. That accounted for their voting in such a solid body.

Question. Were there any promises made to them of land?

Answer. Oh, yes.

Question. What was the general character of that promise?

Answer. Forty acres and a mule. A man went to a big meeting with a lot of painted pegs which he offered for sale at a dollar a piece. He said all they had to do was to stick them down and get them forty acres of land.

Question. United States pegs?

Answer. Yes, sir; they were to pay $4 for four pegs, select their land, walk so many steps east, west, north, and south, put down the pegs at the four corners, and they got a title from the United States Government to the forty acres. In one place he sold two hundred of these pegs. We heard of this in more instances than one. Major Pierce told me he witnessed it.

By Mr. STEVENSON:

Question. Did you hear the politics of the man who sold the pegs?

Answer. No, sir. I have heard of their getting halters to take their mules home.

By Mr. BECK:

Question. These promises of course proved false; what was the effect upon the negro of these broken promises?

Answer. Many of them say they will not trust them any longer, and when they want assistance they come to Southern white men. In Alabama there are not to-day 3,000 republican white men of all sorts, in my opinion. General Grant got about 8,000 white votes, but I do not think Governo. Smith got that number. There is a great change going on. The democrats own 999 acres out of every 1,000. They are the only men that can help the negro much; they are assisting them, and when the negroes come for help they seem greatly mortified.

Question. Is it not a well-known trait of the negro character that when you make promises and break them, he will not trust you thereafter?

Answer. Yes, sir; he learns slowly but surely, and when he loses confidence in you, you cannot easily restore it.

Question. Something was said about the falling off of the vote of the negro in Eutaw, for Major Hays; do you know of any reasons why that should be otherwise than by force, fraud, or intimidation?

Answer. I can tell you why it fell off in several cases: Major Hays was known in Alabama as the most cruel master that ever lived in that country before and during the war; and it is common reputation that he gave orders to the negroes for their services upon men who never paid them.

Question. Did not this account sufficiently for their refusal to vote?

Answer. Yes, sir: these things were known and our party circulated them over the district. And another thing, the radical attorney-general, Joshua Mowers, went into the jail and whipped a negro on suspicion of having waylayed and whipped his wife's brother. I published that all over the State last campaign, and it is known to everybody. The case came up before the court, and it was proved that he took a common handsaw and whipped him, and then salted him down. When he ran for attorney-general and was elected, that was not generally known among the negroes, but in the last election he was beaten, and Hays's majority was reduced. The radical marshal of Montgomery was professionally a negro hunter—made his living by it. The present radical chancelor in Montgomery voted for a bill to make every free negro in Alabama, before the war, a slave or leave the State. Negroes that I tried to defend were put into slavery, and had to choose masters. I was opposed to the bill; I do not know whether I voted upon it or not. I told this upon him in a speech which was published. Here are these cruel men, every one of them was in the confederate army, and after the war they just went in for the spoils and good offices. These things I published; the negro cannot read, but as far as I could get his ear I sought to make them known.

Question. These are the causes for the falling off of the vote?

Answer. That was one of the prime causes.

Question. Whatever may be the law of Alabama as to the right of a man to challenge a voter, what is the practical effect of it? Does anybody dare to challenge a man?

Answer. I never have seen one challenged. It is $500 fine and imprisonment, I think, for interfering in the elections, and we have negro juries, radical sheriffs and clerks. I addressed one jury of eleven ignorant negroes and one white man. If that party could get any hold upon a man for violation of the election law, they would certainly convict him.

Question. The practical operation of the law is, as I understand it, that a man dare not open his mouth, and the vote goes unchallenged?

Answer. Yes, sir; it does go unchallenged.

Question. Have you any security at all in your elections from a man voting just as often as he pleases?

Answer. No, sir; it is even held by the best lawyers of our State that if you catch a man voting four times or more you cannot convict him. In Mobile they stuck fish-hooks in the coat of every negro that voted, and when he came to another poll with the fish-hook in his clothes there was a fellow to recognize him and threaten to nab him. The negro would see that he was known and expect some punishment. But, after an examination of the law, it is the opinion of the best lawyers that it was framed purposely so that you cannot convict.

By Mr. VAN TRUMP:

Question. You were in Montgomery at the time legal proceeding was instituted on behalf of Governor Lindsay to recover the books and papers of the office?

Answer. I was; was an adviser of Governor Lindsay and was present at the trial.

Question. The trial occupied several days?

Answer. One day and part of another.

Question. What was the demonstration at the court; was there a great crowd there?

Answer. Yes, sir; but as orderly and quiet as you ever saw. The crowd was not brought there for violent purposes, for every good man counseled moderation. There was no preparation for violence.

Question. It was a matter of great interest?

Answer. It was; and it was a matter of surprise that they should claim the office.

Question. Were you a close observer of the proceedings?

Answer. I was.

Question. Did you observe a large number of people armed?

Answer. No, sir; on the contrary, I saw but one pistol during the entire proceeding, and that, in my opinion, was to assassinate me in the back. Brainerd, the radical circuit clerk, who paid me $400 to defend him for killing his brother-in-law, took a seat just opposite me as I sat on the steps, while the lieutenant governor was counting the vote on the speaker's stand. I noticed that as I changed about he changed. I went down into the secretary of State's office; there a gentleman came to me and said, "You watch Brainerd, he is following you about all the time." I started to go back; as I

did so I met him again. He had a cloak around him. From the way he held his hand and arm I thought he had a pistol. I jumped and jerked his coat open, and there under his arm was a revolver, in fact, outside of his coat.

Question. If there was an unusual crowd of strangers on that occasion, what was the cause of that influx; was there any public meeting?

Answer. That was an exciting time, but there was no demonstration whatever and no disrespect shown to Governor Smith.

Question. Nobody armed?

Answer. Nobody; if there were, I should have seen them. I do not recollect seeing but this one, who denied it when I took the pistol from him. I told him if I caught him following me again I would shoot him.

Question. What would be the best means of arriving at the facts in this wide-spread examination; for this committee to go South and make the investigation in the several localities, or to hold their sittings here?

Answer. It would be much better to go South, because there you could take up charge after charge in the different localities.

By Mr. POOL:

Question. You say your taxes were increased for school purposes?

Answer. Yes, sir; in part for schools, but not for schools alone. We had a school fund before, but it was increased so as to make it one-fifth of the entire revenue. That would treble our taxes.

Question. There is a considerable appropriation for railroads?

Answer. No, sir; they did not do anything for railroads out of this fund. The railroad companies pay interest on the bonds, except $250,000 paid by Governor Lindsay, and I think he issued new bonds to pay that.

Question. Your State has paid nothing, then, for railroads up to this time?

Answer. I do not think she has paid anything out of the taxes; she has in bonds. Superintendent Hodgson told me the school-fund was $150,000 behind, and he was afraid he would have to suspend his schools if he could not arrange to raise the money.

Question. The tax-bill proper is much less in amount than it was before?

Answer. It was one-quarter of one per cent., now it is three-quarters.

Question. What was the tax before the war?

Answer. I do not think it was one-quarter of one per cent.

Question. Do you know the aggregate amount raised now?

Answer. I do not.

Question. You had a provisional governor after the war?

Answer. We had Provisional Governor Parsons; then we elected Governor Patton and a white legislature. That legislature made the tax one-quarter of one per cent. The next legislature increased it to three-quarters. Our county tax in Montgomery has been nearly quadrupled in three or four years.

Question. Your supreme court is a court of appeal, is it not?

Answer. Yes, sir; it sometimes exercises jurisdiction in *habeas corpus* cases.

Question. What is the character of it for capacity?

Answer. It is fair. Chief Justice Peck stood high as a lawyer; the other two are men of good personal habits.

Question. Is the Union league in existence now in Alabama?

Answer. We think it is; I do not know. I heard the sheriff of our county ask a negro, who was being tried for stealing, if he had given the jury the sign, and he told him he had.

Question. You mean league sign?

Answer. I suppose so.

Question. Is there any counter organization opposed to this league?

Answer. None under heaven that I know of. I have heard of disguised men, but I have no evidence that anything like a league exists. To the best of my information, I swear that I do not believe there has ever been an organization in the State, further than perhaps in a county, with direct reference to some particular case, that would act in disguise. But I do not think they had any connection with bodies of men in other sections of the State. I have received two or three letters from strangers who wanted to know if there were any Ku-Klux Klans in the State.

Question. You think there never was any?

Answer. I have no doubt men in some counties have banded together for unlawful purposes; but that they were organized in different counties, with signs, pass-words, &c., I do not believe it.

Question. You have heard of negroes being whipped by men in disguise?

Answer. Yes, sir; I have heard of a few cases.

Question. Of course, you think such proceeding is wrong?

Answer. Certainly; I condemn it. In the longest speech I ever made in the court-house in my life, I took over two hours against some white men who were charged with whipping another white man; and the men were blacked or in disguise. Moreover,

they were democrats, and the man who was whipped was a republican, though politics had nothing to do with it.

Question. You have never heard the fact of the legislature taking bribes, &c., given as an excuse for the whipping of negroes by disguised men?

Answer. No, sir; never.

Question. The fact of the legislature being corrupt, and composed of carpet-baggers and scalawags, was never given as an excuse for these outrages?

Answer. Oh, no, sir; the men who do these things would not let it be known. I do not know who they are; I have never known one who was concerned in it, so help me God; but I infer they are irresponsible, reckless characters.

Question. Never heard of a case coming before the courts?

Answer. Yes, sir; I defended five myself three weeks ago charged with whipping a colored man; but they proved by colored and white men that they were not there.

Question. Whipped by men in disguise?

Answer. Yes, sir; in Macon County. The United States commissioner discharged them without bonds. The negroes who testified to an *alibi* have been since run off by their own color.

Question. Would you not think the frequent recurrence of Ku-Klux outrages upon colored men would be a very serious injury to the southern people in the present state of affairs?

Answer. Yes, sir: the men who perpetrate them are the worst enemies of our people on God's earth, and every decent man there says so. These outrages are not very frequent, but whenever they occur we know they will be magnified and furnish material for our enemies to keep up this warfare upon us; and we would punish them to the extent of the law without any aid from the United States if we could get hold of them. But these things are not common, and they occur just as often to one party as the other.

Question. It would be greatly to the advantage of the two parties and to the good men of the State to have them put down?

Answer. Well, we are putting them down as far and as fast as we can—both parties. It is some private prejudice; it is not often political, though sometimes it is. Our governor says (and we have so advised him) he will put them down and go to any length, if necessary, in doing so. When the word of the outrage in Coosa (or Elmore) County came, Governor Lindsay dispatched one of his secretaries to see about it and make a report.

Question. Your people well understand that the frequent recurrence of such things endangers their relations with the Federal Government, and keeps back friendly legislation?

Answer. Yes, sir, understand it perfectly and act upon it. Every press in the State almost takes that ground. The Advertiser, the organ of our party at Montgomery, takes that ground. I read the northern papers. There are not as many outrages or mobs among us as there are in the Northwestern States. That is my opinion. They have women mobs and men mobs at the North; they take men from jail. I see just as many outrages in Massachusetts as in other States.

Question. The reconstruction policy of Congress you understand to embrace not only colored suffrage and equality before the law, such as giving testimony, sitting on juries, &c., but also the disfranchisement of some white men; was there opposition to the feature of it giving colored suffrage among your people?

Answer. The question has never come up in Alabama in that shape—whether there should be colored suffrage—since just after the war. Here is the way we look at that question: with us the question is, Shall Congress prescribe universal suffrage, or shall Alabama do it? My own opinion is, if that question had been left to Alabama, she would have pursued a very liberal policy toward the negro—given him every right he had the intelligence to exercise.

Question. The white people of Alabama would not have accepted voluntarily the reconstruction policy of Congress as a whole?

Answer. No, sir.

Question. They would have voted it down?

Answer. Yes, sir.

Question. There was no way, then, for the Government to put it upon the people of Alabama under the form of a popular election without permitting the negro to vote?

Answer. That is to say, so far as universal suffrage is concerned, Congress could not have done it in any other way. It had either to force it upon us or leave it to us; it chose the former. It had the power to put upon us anything it pleased.

Question. I said, under the form of a popular election—could not have done it in any other way?

Answer. Congress could not have done it in any other way; Alabama could. I do not think she would have done it, however.

Question. Is there still a feeling against the manner in which reconstruction was put upon Alabama?

Answer. Yes, sir.

Question. Is the feeling general?

Answer. Yes, sir; and the manner in which it was done will always be regarded as odious. But the people quietly submit to it, and protect the negro in every right conferred upon him by Congress.

Question. Has the general conduct of the negroes of Alabama been good or bad since reconstruction?

Answer. Except where influenced by bad white men and a few bad negroes, it has been good.

Question. Has it been good to an extraordinary extent?

Answer. Yes, sir; where removed from this baneful political influence tending to array them against the white race, so far as being quiet and peaceable, it has been very good.

Question. Have these influences been exerted more or less in all parts of the State?

Answer. Yes, sir; the whole State has been thoroughly canvassed again and again by radical speakers; but the negroes have behaved best where they were furthest removed from these influences.

Question. You said the proportion of the criminals was about forty negroes to five white men?

Answer. In our jail it is in about that proportion.

Question. You have reference, then, simply to Montgomery County?

Answer. Yes, sir.

Question. Not to the rest of the State?

Answer. Yes, sir; I will add that I think that would be a pretty fair average in the State at large.

Question. What is the character of the bulk of the offenses charged against the negroes?

Answer. The most of them are petty offenses.

Question. Of what character?

Answer. If you may call it a petty offense, adultery is very common. Petty larceny is frequent; next comes mule-stealing—not so many; then rape.

Question. Committed on white women?

Answer. I defended a negro in Tuskegee for rape.

Question. Before reconstruction?

Answer. Yes, sir.

Question. Any since?

Answer. A negro was tried for rape on a young girl in Montgomery recently. They also attempted a rape on a respectable white married woman. Then comes murder. They kill one another frequently. There have been, in my opinion, more white men killed by negroes than negroes by whites—more shot.

Question. Have you ever known a case where a company of disguised negroes went at night to a white man's house, took him from his bed, stripped and scourged him?

Answer. I have heard of cases, and I know of one case in Macon County in which they went and shot a man; he jumped out of the window and got away.

Question. Were they disguised?

Answer. I do not know; it was dark. They were put in jail, but afterward escaped.

Question. My question is whether you know of negroes doing these things in disguise.

Answer. I do not recollect. The deputy sheriff of Macon County was taken by negroes, beaten, and left for dead.

Question. Were they disguised?

Answer. Not that I know of. I have been informed that the only Ku-Klux killed in disguise in the State of Alabama proved to be a radical. I know a negro was arrested as a Ku-Klux, and brought by the military authorities to Montgomery about six or eight months ago. And in Tallapoosa a negro was charged with assaulting a white man, and depriving him of his rights under the fifteenth amendment. There is not a respectable white woman in the Negro Belt of Alabama who will trust herself hardly outside of her house without some protector.

Question. Did you ever have a case reported to you, as chairman of the executive committee, of a colored man being taken from his house at night by a disguised party and whipped?

Answer. Yes, sir; the case I referred to, of five white men charged with taking a negro from his house and whipping him. But it was very plain they had nothing to do with it.

Question. Have you had any case reported to you, as chairman of the executive committee?

Answer. Yes, sir; I have had several letters from Elmore County, explaining the case, to which I referred, about the Methodist preacher; also from Coosa County, in reference to the same affair; then in regard to those five men, it was reported to me in person. I may have had, in the course of four or five years, several other cases; for instance, in reference to the affair in Eutaw.

Question. You do not recollect any case in which men in disguise have gone to the houses of colored men, and stripped and whipped them?

Answer. I cannot recollect any cases of that kind. There may have been some letters.

Question. You say the negroes believe that if the democrats got into power, they would take away their right to vote?

Answer. Yes, sir; they all believe they would be deprived of suffrage; and the more ignorant, that they would be put back into slavery.

Question. Do you believe the white people would be in favor of depriving them of the right of suffrage?

Answer. I think if they had the power, as far as they would go would be to qualify the right in some way. The exercise of the right of negro suffrage, I think, will always exist in Alabama to some extent.

By Mr. STEVENSON:

Question. Would the qualification be extended to both races?

Answer. Well, our constitution, as it stands, is imperative; we had to take an oath, before we could vote under the constitution forced upon us by Congress, that we would never discriminate in future in regard to race, color, or previous condition. We could not discriminate under these circumstances.

Question. You are supposing if you had your own way about it?

Answer. "Sufficient unto the day is the evil thereof." If negro suffrage works well in the South, it increases our representation, and we are all going democratic next time. Hence, it is a question for us to consider whether we shall have our representation decreased or not.

Question. Suppose you should make a property or intelligence qualification, I wish to know if you would extend it to both races.

Answer. Under the present constitution it would have to be so extended; but I do not know what the people would do about it.

By Mr. POOL:

Question. What do you mean by saying the Government should act generously?

Answer. Why, keep the Federal hands off the throat of Alabama, as she does off Massachusetts. We sprang from as good stock as any other State. We can boast of a revolutionary ancestry as good as that of any other State. We gave this country most of its territory. We gave it Washington, Jefferson, Madison, and Monroe; we do not feel ourselves inferior to anybody, and we do not love anybody who claims that we are.

Question. In what particular has the Federal hand been put upon you since the reconstruction acts?

Answer. We can complain of what the colonies did: that you have imposed foreigners and laws upon us, and taken our people away from the civil courts to the Dry Tortugas.

Question. Not since reconstruction?

Answer. You substitute the military officer, now, for the justice of the peace and the constable; you send the military to arrest men; you do not allow the governor nor the civil officer to call for a posse. We would all respond, as I have again and again informed the radical sheriff, with a posse to execute any law; but in the contest for governor, you put the military at the capital.

Question. You do not mean to say the Government now substitutes military force?

Answer. Yes, sir; whenever it suits its purpose it does.

Question. The granting of general amnesty, you think, would be one act of generosity?

Answer. Yes, sir. A proclamation to the people of Alabama of a kind, salutary character, appealing to them to observe law and order, would not affect the conduct of the better portion of the community, for they are all right, anyhow; but it would have a most happy effect—just as if it was issued to Massachusetts; it would be worth a thousand force bills.

Question. Is there any condition of things in Alabama calling for such a proclamation now?

Answer. None at all, and nothing calling for additional legislation now. The evils complained of in Alabama are such as every other State, as far as there is just such crime in any other State, might complain of.

Question. Can you indicate any other act that the Government ought to do?

Answer. All we ask is for the Government to trust us and let us alone. We are a State; we carry the mails and do everything else which pertains to the province of the General Government; but in regard to our local State affairs, we ask to be let alone.

Question. How about the payment of losses during the war?

Answer. We do not expect a cent; never have asked for a cent; I have never done it, and I do not know anybody else who does ask for it, unless it is somebody who pretends to have been loyal during the war—widows and orphans.

Question. You think, then, on a general view of the whole condition of Alabama, that, so far as the enforcement of law and order is concerned, it is on the average as good as that of any other State?

Answer. Yes, sir; as good as any other State.

Question. And as good as before the war?

Answer. Yes, sir; just as good. Judge Busteed has held two or three Federal courts, and has had grand juries of loyal men. At the last term they found but one true bill; that was against a boy about eighteen years old for counterfeiting—altering a one dollar bill. If another bill of indictment was found, I have not heard of it. And the term before the last he discharged the grand jury both in Huntsville and Montgomery, I believe, as they had nothing to do.

Question. Do you give your judgment from your acquaintance among the people or from the state of the docket?

Answer. Both.

Question. You think crimes are ferreted out and pursued as promptly as before the war?

Answer. Entirely so; there is no disposition to screen a man unless he is a favorite of one of the radical judges; then they will throw out a bill. I have denounced them, and called upon the court to discharge the grand jury. If you had seen them you would take them for jail birds—the most vicious characters. One of them was himself indicted at that very term of the court for perjury.

Question. At that same term?

Answer. I had that grand jury discharged, and I think he was indicted for perjury. He had a son in jail for horse-stealing at that very term.

Question. You were a general in the confederate service?

Answer. Yes, sir.

Question. In what part of Alabama did you have command?

Answer. I fought cavalry under General Bragg at Shiloh and Pensacola; commanded a brigade of cavalry at Boonville; afterward commanded the eastern department of the Gulf, South Alabama and Florida; afterward North Alabama; fought Rousseau; was with Johnston at Dalton and Marietta; I crossed that gentleman's [General Blair's] track several times with cavalry.

Answer. Whatever feeling exists in Alabama grows out of the reconstruction policy?

Answer. Not that alone, but the maladministration of the State government in the hands of radicals. If we had had the soldiers who fought us to deal with, we would never have had this trouble. If the two armies could have intermixed when Lee surrendered, and the Government of the United States had accepted the treaties, there would have been perpetual peace.

Question. You think the Government of the United States showed bad faith in not standing up to the capitulation?

Answer. Yes, sir; private men offered us generous terms, but they did not control the Government, unfortunately for us. So far as our State governments is concerned, we are in the hands of camp-followers, horse-holders, cooks, bottle-washers, and thieves. There are some exceptions.

Question. You don't except Warner and Spencer?

Answer. I make some exceptions. I presume they played their part very well, but they were not great soldiers. We have passed out from the hands of the brave soldiers who overcame us, and are turned over to the tender mercies of squaws for torture, as is sometimes done by savages. We have been tortured and robbed by men from different parts of the world, and treated in a way that brave soldiers of the North would not have been expected to treat us.

Question. Did you not commit a very great political mistake in declining to vote upon the convention question?

Answer. Yes, sir; I think now we would better have elected officers. That was my policy at the time, and I had a telegram from the executive committee here to vote, and send some good men to Congress. But badly as we had been treated by Congress, we did not believe that, after we had rejected the constitution according to the terms of the law, Congress would force it upon us any way.

Question. Congress had not done the same thing to any other State?

Answer. No, sir. Alabama was made an exception, with the sanction of Thaddeus Stevens. I do not believe there is a Northern State that would have submitted as quietly as we have to these usurpations and tyranny.

Question. You think it is rather remarkable that the people of Alabama should be as quiet as they are?

Answer. Yes, sir; it is wonderful. It required a higher degree of courage and heroism than to fight the battles of the confederacy. I know it has been so to my feelings.

Question. That is the general feeling among the white people?

Answer. Yes, sir. I see negro police—great black fellows—leading white girls around the streets of Montgomery, and locking them up in jail.

Question. They don't lock up respectable white girls?

Answer. They lock up any that fall into their hands. I have never known them to lock up any of high character. A negro policeman brought one to my office—a sewing girl—begging me to pay the fine for her for throwing some slops in the street.

By Mr. COBURN:

Question. You say at the close of the war all the people expected, as the basis of settlement the abolition of slavery and the surrender of the right of secession?

Answer. Yes, sir.

Question. And that they were to have restored to them all other rights the same as if they had not fought against the Government?

Answer. Yes, sir; such was Lincoln's proclamation; and Congress had often gone further, and said it would guarantee slavery if the States would come back to the Union.

Question. But you did not accept those terms.

Answer. No, sir.

Question. And so the armies had to settle it?

Answer. No, sir; I did not say so; but how much better it would have been if Congress had executed the behests of the two armies.

Question. How do you know it would have been better?

Answer. I give it as my best judgment. The majority of the men who fought us were kindly disposed toward us after the war.

Question. You think it was safe to trust the Government in the hands of a set of men who had been fighting it for four years?

Answer. Certainly; when they were done fighting, what harm would they have done?

Question. You would give all the political power into their hands?

Answer. Where does it belong, except to the States?

Question. I will not have an argument with you. You would not trust Governor Parsons as a democrat now?

Answer. No, sir.

Question. Suppose you had beaten him in the political field; would that be any cause for having confidence in him?

Answer. No, sir.

Question. The rebels surrendered only when they were defeated; is that any reason why we should trust them?

Answer. Certainly, every reason in the world. You can trust a man who is in your power; he cannot harm you. But we never have deceived you; we fought you boldly, and when we surrendered we meant what we said. We are too brave to be treacherous.

Question. You say you were once a whig?

Answer. Yes, sir.

Question. Did you ever turn democrat?

Answer. Not till since the war.

Question. You were once a Union man?

Answer. Yes, sir.

Question. And then turned rebel?

Answer. Yes, sir.

Question. And fought the Union?

Answer. Yes, sir; when the Government undertook to coerce the Southern States.

Question. Don't you think it rather hard to denounce Governor Parsons for changing his party?

Answer. He says he changed his to make money; I did not.

Question. Do you know he said that?

Answer. I have given you as responsible a witness as I know.

Question. Do you know it yourself?

Answer. No, sir.

Question. Without any evidence of it yourself, don't you think you are treating him with a great deal of uncharitableness in denouncing him for want of principle?

Answer. I never said he wanted principle; I said that William H. Barnes told me that Governor Parsons told him it was necessary to get his claims through.

Question. Is he personally a man of integrity?

Answer. I have always found him so.

Question. Do you believe he is sincere now in his support of the republican party?

Answer. No, sir; I do not.

Question. That he does it from purely mercenary motives?

Answer. I do; I did not want this question put to me.

Question. You said that about the close of the war you advocated the principle that the negro should be on an equality with the white man before the law?

Answer. Yes, sir.

Question. What do you mean by that?

Answer. That the same laws and same rules of evidence should govern him, and that he should have every right under the law as the white man.

Question. What law do you refer to?

Answer. The laws of the land; that the law should be so changed as to give every man in the South the same right in courts of justice.

Question. The same protection?

Answer. The same protection.

Question. Then you were in favor of every right except that of suffrage?

Answer. Yes, sir; except that I was not in favor of giving them the right to marry among the whites.

Question. Give them the right to serve on juries?

Answer. Where they have the intelligence.

Question. You had a barbecue that you alluded to, to which the negroes were invited; when was that?

Answer. I think it was in 1867.

Question. Did you make a speech at that barbecue?

Answer. I did; but not till I went out and told the negroes it was a false report that they were to be poisoned.

Question. Did the white men and negroes both eat at the barbecue?

Answer. Yes, sir; but not at the same table.

Question. You spoke about Senator Warner running the negro machine and electioneering with the negroes; was that barbecue for electioneering purposes?

Answer. No, sir; I do not think I heard politics mentioned at all. A few fellows like Clark, who had killed three men and had tried to shoot another in the dark, had got up a bad state of feeling, and the moral portion of the community wanted reconciliation, so they got up this barbecue. My best recollection is, there was no campaign and no political speaking.

Question. In talking about the attachment of the people of Alabama to the Government, you say the best evidence of it was the fact that they adopted a confederate government almost precisely like that of the United States; is that the best evidence?

Answer. I did not say that was an evidence of their attachment to the Government of the United States, but to a republican form of government. They were very much dissatisfied with the United States Government.

Question. Do you know of any republican that is proposing a monarchical form of government at this time?

Answer. So far as the South is concerned, this is like the Roman republic; it has survived constitutional liberty in the South.

Question. How do you propose to get along with that; do you propose to resist it?

Answer. No, sir.

Question. You say it was like the government over the colonies; do you propose to use the same means the colonies used to redress your wrongs?

Answer. No, sir.

Question. What do you propose?

Answer. Heroic endurance is all that is left.

Question. That is all you propose to do?

Answer. Except to change it according to the forms of law; to aid the national democracy in doing it.

Question. You say there is no freedom of speech in Alabama for colored democrats?

Answer. Not much.

Question. How many colored democrats are there?

Answer. Not a great many, but there would be many more if they were not intimidated.

Question. How do you know?

Answer. I have seen them; they have talked to me.

Question. How many have talked to you on the subject?

Answer. I suppose, in the last five years, from one hundred and fifty to three hundred.

Question. How many colored speakers are there in your State?

Answer. Very few.

Question. Is there one who lives in your State, or ever did live there?

Answer. Yes, sir; we have had several make democratic speeches.

Question. Is there one there now?

Answer. There are several; they are not in the habit of going around speaking.

Question. Where does this man Williams live?

Answer. He is from Tennessee. I met him in New York during the democratic convention.

Question. How many democratic votes do you think you can get among the negroes as long as there is opposition to the fourteenth and fifteenth amendments in the democratic party?

Answer. With opposition to negro suffrage you could not get many.

Question. Have you made the "new departure" in Alabama, and gone for the fourteenth and fifteenth amendments?

Answer. We are submitting to those amendments, but have never approved of the manner they were put upon us. We do not propose to resist them.

Question. Not by force of arms?

Answer. No, sir; according to the forms of law—the ballot-box.

Question. You propose to change them?

Answer. No, sir; we have not got the power.

Question. It is not now a question of power; but what do you propose to do when you get the power?

Answer. We do not propose to do it, for Alabama would not have the power to do it. If the national democracy should be successful, we propose abiding by what it does. We are a small fragment of the national democracy, and would have very little power.

Question. You say you were present at an election where a negro captain inspected the tickets; how was that?

Answer. He fixed himself in a position where everybody had to pass; a negro could not slip through without handing him his ticket, and he would inspect it, and if it was a democratic ticket he would take it and give him another.

Question. Did he make the negroes give him their tickets, or did they give them willingly?

Answer. He did not ask them—just reached out and took them without ceremony.

Question. Did a single negro refuse to give him his ticket?

Answer. No, sir; he was a town negro, and they were laborers who did not know but he was governor.

Question. Did you see him take one democratic ticket in his hands?

Answer. I saw him change tickets.

Question. Do you know whether he changed a democratic for a republican ticket?

Answer. I could not see that, but they were changed, and that was my inference. I saw twenty or thirty do that.

Question. Did you see the tickets taken by force?

Answer. No, sir: the negroes did not resist at all. The negro was led up like a child and thought he had to do whatever was to be done. In most cases they were republican tickets, very few changes; it was a very rare case for a negro to vote the democratic ticket.

Question. Are you prepared to say there was any considerable number of negroes that wanted to vote the democratic ticket, but were intimidated?

Answer. Yes, sir; I cannot know it positively, but I believe that quite a number were intimidated in that way. There are some very sensible negroes, very favorable to the white people and on very good terms with them, who have been advised by their old masters and friends that these adventurers were misrepresenting them, voting against their interest, and increasing the taxes; and I believe there would have been more colored democratic votes if they had been let alone by these adventurers.

Question. In Winston County something was said about resolutions being passed to allow no negro to live in the county; were you there at the time the resolutions were passed?

Answer. No, sir.

Question. Do you know anything about the fact?

Answer. Nothing of my own knowledge.

Question. You say pigs, cows, chickens, &c., are stolen, and that bacon has risen from 5 to 25 cents a pound?

Answer. It has been as high as 25; it is now from 20 to 22. Last year I paid as high as 28. The county of Montgomery supplied itself pretty well before and during the war.

Question. You say that you published something about Mr. Harrington in the newspapers and he made no response; therefore, you say, he must be guilty of what you accused him?

Answer. I did not say that therefore he was guilty. It is possible a man may be innocent in such a case; but the inference, I should say, is, that it is a strong *prima facie* case of guilt.

Question. You take the position that a man is bound to answer what any one publishes about him?

Answer I think, occupying the position of speaker of the house of representatives, and this charge having been published by me, he ought to have replied to it. I certainly should.

Question. When was that bank robbery of which you charged him?

Answer. I know nothing in relation to it.

Question. When did it purport to be?

Answer. Some years ago. Sheriff Barber showed me what purported to be a copy of an advertisement from a Northwestern paper, and said, "That answers to the description of Harrington; don't say anything about it."

Question. That is what you published?
Answer. I think I did.
Question. Did you publish the fact that you had had a conversation with the sheriff, or did you charge him directly with the robbery of the bank?
Answer. Oh, no; it was a political article, and my best recollection is, I published all I have said about him here.
Question. Did you put his name in?
Answer. I did; and many others like him.
Question. Was his name in the advertisement?
Answer. I will not be positive, but it seems to me it was a different name. It purported to be a description.
Question. It did not call for the name of Harrington in it?
Answer. I do not think it did, but the sheriff said he had the other fellow in jail, and the other fellow said it was Harrington; and it was very like him.
Question. So you ventured to put that in print?
Answer. I did.
Question. Didn't you consider that a very unfair way of dealing with a man's character?
Answer. If he had had a very good character I would have had much doubt about it, but knowing him to be such a villain I had no hesitation.
Question. You said that one Cloud embezzled some thousands of dollars?
Answer. I said that Cloud was a superintendent, and that General Hodgson said that the superintendents in the different counties had embezzled from $40,000 to $60,000. I said, furthermore, that the Clouds, sons of the radical superintendent, had fled the State. That fact I have seen in the radical paper at Montgomery. I have stated that one of the Clouds embezzled money.
Question. How do you know that?
Answer. The superintendent of education and officials about the capital informed me of it.
Question. How much did the superintendent say Cloud had embezzled?
Answer. I think it was about $1,500. I don't know how much more.
Question. How about the $60,000?
Answer. Superintendent Hodgson said he wanted us to collect of these different superintendents from $40,000 to $60,000 that they had embezzled or not accounted for.
Question. Did he give you the names of the men who embezzled the money?
Answer. No, sir; not one.
Question. How did he expect you to bring suit?
Answer. He went, afterward, I suppose, to my partners. I think he has made a statement to them. It was about a month or two ago.
Question. Were these unsettled balances of these officers, or was there positive evidence of embezzlement?
Answer. It was money, I understood, that they had drawn to pay the teachers with; the superintendents had not appropriated it in that way, but had kept it. I know one colored teacher in Montgomery come to me to sue the superintendent for money he owed him.
Question. Is it not possible that these were merely unsettled accounts with the Government?
Answer. I cannot say what the evidence would disclose, but the time is past due for their settlements. For instance, the superintendent of Montgomery has gone out of office.
Question. Can you bring an action for embezzlement?
Answer. No, sir; that is an indictable offense.
Question. Do you propose to indict?
Answer. You can sue them on their securities and indict them at the same time.
Question. Do you propose to indict?
Answer. If the superintendent requests it. He said sue for the money.
Question. Then that is all you have been employed to do?
Answer. That is all he spoke to me about.

By Mr. STEVENSON:

Question. This State superintendent is a democrat elected last fall?
Answer. Yes, sir. Eight of the regents are republicans and four democrats.
Question. He is the man who came to you?
Answer. Yes, sir; but I got some of this information—that about Superintendent Cloud—from the editor's office of the republican paper.

By the CHAIRMAN, (Mr. POLAND:)

Question. Each of the county superintendents has to give bonds, with sureties, for the proper appropriation of all the public money he receives?
Answer. Yes, sir; that is my understanding of the law.

Question. And you suppose they did?
Answer. I suppose they did.

By Mr. COBURN:

Question. Is the democratic party in favor of educating the negro the same as the white man?
Answer. They are.
Question. The same length of time during the year?
Answer. I have not heard them express themselves on that point.
Question. How long do you educate the children in the free schools?
Answer. The free schools are a new thing. They go from six to nine months in the year, I think.
Question. Is that a general system pervading the State?
Answer. Yes, sir; there is a superintendent in every county.
Question. Can you give an idea of the number of scholars?
Answer. I cannot.
Question. You take some interest in the system?
Answer. I do; a great interest.
Question. You said something about replying to Senator Wilson; what was that?
Answer. He passed through Montgomery and made a speech to a large assembly of negroes; he was bitter toward southern whites, and challenged anybody to reply. I replied; my speech was published not only in the South, but in the North, and that part of it was approved by the Boston papers in which I took the position in favor of educating the negroes. I stated that I had received my education from their labor and would aid to educate them.
Question. You say there is not a gentleman in the State that would counsel the burning of school-houses?
Answer. I do.
Question. What do you mean by a "gentleman?"
Answer. An honest man.
Question. Do you suppose any man, honest or dishonest, would counsel it?
Answer. He would be a bad man to do it.
Question. Speaking about labor, you say you have no other labor but the negro?
Answer. I mean none except the original white people, in contradistinction from other countries that bring in white labor from abroad. Our people in the hills who are accustomed to work do better than almost anybody.
Question. Don't all your farmers work?
Answer. Yes sir; some old fellows do not work.
Question. Your men of vigor work?
Answer. Yes, sir; a man is not respected that loafs, unless he is a man of means or devotes himself to humanity.
Question. You say your best men are under disabilities?
Answer. Yes, sir; many of our best men.
Question. Not all of them?
Answer. Oh, no; certainly not.
Question. Have not a good many of them been relieved of their disabilities?
Answer. There have been a few, by begging for it, I suppose.
Question. Has every man been relieved who has asked to be?
Answer. I do not know; I do not think so.
Question. Are there not a good many men relieved who are democrats now?
Answer. Not many; our governor is one.
Question. Don't you know a great many have been relieved who are democrats?
Answer. No, sir, I do not; I think there are a few.
Question. Are you acquainted outside of Alabama?
Answer. I do not know about other States; there are very few among us.
Question. What change would come in the minds of those men who are under disabilities if they were relieved?
Answer. It would not change their politics, but it would increase their attachment to the Government very much.
Question. You were asked if you had any security in Alabama against illegal voting; how did you answer?
Answer. I do not think we have any.
Question. Are your officers not sworn?
Answer. Yes, sir; if you call that protection. I say it is the opinion of many of our best lawyers that there is no redress for illegal voting.
Question. Are not your voters required to be registered?
Answer. Yes, sir; I think so.
Question. If a man registers illegally is he not liable to punishment?
Answer. In the opinion of the best members of the bar a man cannot be punished for voting illegally.

Question. Does not every man who is registered take an oath as to his qualification?
Answer. I did not hear any oath prescribed.
Question. But he has to take an oath?
Answer. Yes, sir; I suppose so.
Question. Does not your law prescribe that if a man swears falsely he must be punished?
Answer. Our statute law does.
Question. So, then, he is liable to punishment for false swearing?
Answer. In that way he might be punished.
Question. You say it is not safe to challenge anybody who offers to vote?
Answer. There is a law against it.
Question. You said, in answer to a question, that a man could vote as many times as he pleased, and nobody could object?
Answer. Well, they do not object, and they do vote often.
Question. Suppose a man who is legally registered and entitled to vote comes up and votes once; do you mean to say that if he offers to vote again at that or another poll, and a man objects to his voting on the ground that he has voted once, the man thus objecting would be, by your law, subject to punishment?
Answer. It reads that way; and our people are so much afraid of it that they do not challenge.
Question. Do you mean to give it as your judgment, as a lawyer, that he could legally be convicted?
Answer. I believe that is the object of the law.
Question. Do you say, as a lawyer, that under the law a conviction could be sustained by your courts?
Answer. That would depend very much upon the complexion of the jury who tried the case, and of the court.
Question. I want your judgment as a lawyer?
Answer. On that state of facts I should say he could not be convicted; he ought not to be convicted.

By Mr. VAN TRUMP:

Question. Yet you do say such is the influence of this law that it prevents men from challenging?
Answer. Yes, sir.

By Mr. COBURN:

Question. Did Governor Lindsay recommend the repeal of this election law?
Answer. I do not recollect; nor do I recollect whether any change was made at the last session of the legislature.
Question. I know it to be the fact that it did not change it.
Answer. I did not say it did; it could not have well done it, for it was a republican law and the republican senate holds over, and any bill that passes the house that the senate does not like cannot get through.

By Mr. POOL:

Question. Was any bill introduced to modify the law?
Answer. I do not know.

By Mr. COBURN:

Question. Is there any secret political organization in the State of Alabama?
Answer. None that I know of; I do not belong to any myself, and I have no knowledge of any, except that the negroes say they belong to the Loyal League.
Question. Did you ever take any obligation upon you in any political association in secret?
Answer. Never in my life.
Question. You know of no society—no band of men—that has any organization of that kind?
Answer. None; hence I have doubted the existence of any such.
Question. Have you no knowledge of any plan to intimidate negroes or republicans from voting?
Answer. None.

By Mr. STEVENSON:

Question. On the question of the election law, I find it reads as follows, (Acts of 1868, Alabama, pp. 203 and 276:)
"SEC. 4. *And be it further enacted*, That it shall be their [the board of registrars'] duty to enter, or cause to be entered, in a book the name of every person qualified to vote under the constitution of this State and the acts of the legislature thereof; and before entering, or causing to be entered, such names, they shall require the person

applying to be registered to subscribe to the oath prescribed in section 4, article 7, of the constitution of this State."

"SEC. 11. *And be it further enacted*, That any person who shall knowingly and corruptly take the oath required in section four of this act shall be deemed guilty of a felony, and upon conviction be imprisoned in the penitentiary for not less than two nor more than ten years, at the discretion of the court."

"SEC. 32. *And be it further enacted*, That whenever any registered voter offers to vote, his ballot must be received, and one of the inspectors must call his name audibly and distinctly; and the name of each elector whose ballot has been so received must immediately be taken down by each clerk on separate lists, which are headed Names of voters, and called poll-lists and the number and order in which such elector votes must at the same time be entered by each clerk against his name, the first elector voting being number one, the second number two, and so on to the last elector voting."

Don't you consider that an adequate provision against unlawful registration?

Answer. For perjury?

Question. The person registering must take the oath, and if he takes it falsely he must be punished?

Answer. Yes, sir; but they go and register, and then they go to different voting-places and repeat; and I said in the outset of my testimony that it was like looking for a needle in a hay-stack to hunt these negroes up.

Question. That is what you think ought to be provided for—a law against repeating?

Answer. Yes, sir.

By the CHAIRMAN, (Mr. POLAND:)

Question. In your code I see it is provided that if any person votes more than once at the same election he is guilty of misdemeanor, and upon conviction must be fined not less than $200, and imprisoned not less than three nor more than twelve months in the county jail. Is that now the law of your State?

Answer. It may be; I have not examined it.

Question. Are you aware that this article 405 of the code of Alabama has ever been repealed?

Answer. Of the late code? I cannot say whether it has or not.

Question. Is it claimed by anybody that there is any law repealing this section of the code?

Answer. I recollect none. The difficulty, as I said in the outset, is in hunting up these men.

By Mr. VAN TRUMP:

Question. Is not voting more than once only one of the many modes of illegal voting?

Answer. Yes; sometimes they vote duplicate tickets.

By Mr. STEVENSON:

Question. In what year was the election to adopt or reject the constitution of Alabama?

Answer. I believe it was in 1867.

Question. Do you remember what the vote was for the constitution?

Answer. No, sir.

Question. It was 80,318. What was the registered vote?

Answer. I do not know.

Question. The vote cast was not half the registered vote. Do you remember what the vote for Grant was?

Answer. I do not.

Question. It was 76,000. The whole vote cast at the election last year was 154,005, and the majority for Governor Lindsay was 1,400; adding this majority to one half of the whole vote cast makes Governor Lindsay's majority 78,403. So that the vote cast for the constitution was larger than any vote in favor of any political party since reconstruction, and although the original act of Congress required that the constitution should receive a majority of the registered vote, yet the vote cast for it was practically a majority of the people actually voting in Alabama. I do not mean at that particular election, but the 80,000 votes then cast would have carried the State at any election you have held since.

Answer. You must recollect this, that the constitution contains this oath which is odious to our people; pledging ourselves never to change it so as to discriminate in the future on account of race, color, &c. Hence, at the next election the vote was not so large.

Question. But at the last election, in 1870, the vote was 154,000?

Answer. That oath kept a good many from voting then.

Question. Did it keep as many away as would have voted originally?

Answer. I cannot say.

Question. This Mr. Harrington, has he ever been interfered with by violence?

Answer. I never heard of it.

Question. You spoke of having advised a widow to teach a colored school, and also a Catholic teacher to do the same; how are they treated by the community, now that they are teaching these schools?

Answer. Treated as well as they always were, so far as I know.

Question. They are not banned socially, because of their employment?

Answer. Not at all.

Question. How have the white teachers of colored schools who have come from the North been treated generally by the white people of Alabama?

Answer. So far as I know or have heard, they have never been maltreated. They have not been taken into Southern families, and there has been some little prejudice against them, for the reason that it was understood that they came there as political emissaries; that they were teaching the negro children to look with distrust upon the white people of the South, their former owners and masters. It is understood by some that the whole affair was calculated to excite and arouse these prejudices, and not knowing who these teachers were at home, they have not been received cordially. But they have not been interfered with at all, that I am aware of.

Question. Before this state of things, how were they received and treated?

Answer. Very well, so far as I know.

Question. Is it not the fact that white people have refused to receive them in their families to board, so that they have had to board in negro families?

Answer. I have never heard of such a case; it may be the case.

Question. Do you not know that many ladies who went South to teach schools were ladies of the highest accomplishments, and went there as missionaries?

Answer. It may be so, but I have not discovered ——

Question. You have not discovered the fact?

Answer. It may be so.

Question. What are the relations generally between the two races, other than political. Are they friendly or otherwise on all other than political questions?

Answer. There is a pretty good understanding on all other questions.

Question. Do the negroes confide in their masters and other white people on other questions?

Answer. Yes, sir; whenever they want assistance, or are in trouble, they generally go to them.

Question. This Mr. Lakin, I understand you know nothing against him, except that he was an agitator and mischief-maker?

Answer. Such was the common report. I could not tell the particular acts, but I have heard him spoken of, and know the repute in which he is held in Huntsville and North Alabama.

Question. You got that report from the white men you saw in that region?

Answer. Yes, sir.

Question. Members of your own political party?

Answer. Almost exclusively.

Question. You don't mean to say he had such a reputation among the republicans of the State of either color?

Answer. No, sir; I do not say so.

Question. In speaking of the falling off of the vote in Greene County, in Mr. Hays's district you gave some special reasons for it; do those reasons affect him alone, or the others on the ticket as well?

Answer. All others that were vulnerable, I suspect, would be affected somewhat by running such a man.

Question. Would it be likely to affect Governor Smith to some extent?

Answer. No, sir; I should think it would not affect Governor Smith much.

Question. How does it happen, then, that in the county of Greene he and Governor Smith ran with precisely the same poll?

Answer. I cannot account for it. The cause I have mentioned may account for it, and may not. I think Hays's treatment of his negroes, when he was master, prejudiced him with the negroes, and as that information was disseminated, I think it lost him votes.

Question. Was not that known all through his district? Didn't you take great pains to publish it?

Answer. I did not publish that at all.

Question. But it was published in his district?

Answer. I think so.

Question. And it was a first-rate point on him?

Answer. I think so.

Question. How does it happen that his vote fell off only in one or two counties?

Answer. I do not know; I only give the reason why it did fall off.

Question. His vote actually increased in his district at the second election about 2,000 or more?

Answer. It may have been so; I was not in his district.

Question. He got negro votes?
Answer. I do not suppose he got 100 white votes.
Question. These charges would affect him among the negroes particularly?
Answer. Yes, sir.
Question. Yet he got in his district more than he got before?
Answer. Yes, sir; I should think it would affect the negroes.
Question. You used to live in Macon County, outside of Mr. Hays's district?
Answer. Yes, sir.
Question. Would the charges against him account for the falling off in Macon County?
Answer. No, sir; I should think not.
Question. And yet the falling off in Macon county was greater than in Greene. How can you account, as an old-experienced politician, for the material falling off in Macon, Greene, and Sumter Counties, while the aggregate vote in the entire State was largely increased, by some eight or ten thousand?
Answer. I know of no cause except those I have given, unless it was a growing want of confidence.
Question. Why should this want of confidence apply in those three counties only?
Answer. Votes vary in different counties. I do not know any special reason, unless the negroes were more influenced by the whites than previously, or unless the whites electioneered and were more successful there.
Question. It is a curious fact, is it not, that while the whole State increased in its aggregate vote, and while the republican vote was larger in the whole State than in 1868, in these three counties the republican vote decreased?
Answer. I do not know of any intimidation in Macon County, any Ku-Klux.
Question. Yet in that county the republican vote in 1868 was 2,327, and in 1870 it was only 1,711; and the entire vote in the same county in 1868 was 3,402, and in 1870 it was 2,945; so that while the entire vote fell off the democratic vote increased from 1,075 in 1868 to 1,234 in 1870.
Answer. There may have been negroes who got tired of the excitement of politics in one county, and the same influences might not have been brought to bear. The negro runs into religious excitement, and then loses his interest. It may have been the same with political excitement in that county.
Question. They are afraid of the Ku-Klux too; curious about that, are they not?
Answer. I do not know of any Ku-Klux in my part of the State, and I do not think the negroes in Alabama believe there are any.
Question. Don't you?
Answer. There may be in a few localities men banded together, but I do not think there is an intelligent negro in Montgomery who believes it.
Question. Don't you believe there were Ku-Klux in 1868?
Answer. No, not throughout the State.
Question. Don't you know that in 1868 there was a parade of Ku-Klux on horseback in Huntsville—a full parade?
Answer. Yes, sir.
Question. Was not that calculated to make the negroes believe there were Ku-Klux in the State?
Answer. Yes, sir.
Question. Don't you think there were Ku-Klux then?
Answer. I suppose those were what you call Ku-Klux, but I do not believe they belonged to any general organization in Alabama.
Question. They may not have extended over the State, but is it not your best impression that they did exist in 1868?
Answer. They might have existed in a few localities.
Question. You don't know how far they existed; they had too much respect for you to let you know it; but, then, such demonstrations as that are certainly calculated to make men think——
Answer. That they were around Huntsville. If I had been there that day I should have thought they were there.
Question. Don't you know that in the upper part of Alabama there were parades of Ku-Klux, and men were attacked by bodies of disguised Ku-Klux?
Answer. No, sir; I cannot call to mind now but two or three places that I have heard of since the war where any disguised men appeared. One was at Huntsville, and Governor Lindsay told me lately that he saw some in Tuscumbia; and then there were the boys I spoke of. The only other case I can think of was a boy who went to a graveyard one night to scare some negroes.
Question. He went to play Ku-Klux?
Answer. He went with a mask, and I told him to be cautious.
Question. The idea was that the Ku-Klux came out of graveyards?
Answer. He was a very foolish boy.
Question. How far is Tuscumbia from Huntsville?
Answer. About eighty miles.

Question. Which way?
Answer. Due west.
Question. How far is Greene County from Huntsville?
Answer. It is southwest about one hundred and fifty miles.
Question. Then you have heard and are satisfied in your own mind that disguised men have appeared in bodies at different times in the State at those three points?
Answer. Yes, sir; those three times.
Question. When did they appear at Huntsville? about the time of the presidential election?
Answer. I do not know when it was.
Question. When did they appear at Tuscumbia?
Answer. I cannot tell.
Question. I think it was in 1868. When did they appear in Greene County?
Answer. It seems to me it was one or two years ago.
Question. It was when Boyd was killed?
Answer. Yes, sir.
Question. Have you ever taken the pains, as chairman of the democratic State committee, to make an examination into the facts of these appearances of armed bands at these different points, or any of them?
Answer. No, sir; nor anywhere else; I never heard of their appearing anywhere else.
Question. Did you ever institute close inquiries of your fellow-democrats as to what they knew of the Ku-Klux Klans?
Answer. Only in a general way; most of my friends denounced these things.
Question. Denied that they belonged to them?
Answer. Yes, sir.
Question. Don't you know it is a part of their regulation to deny it?
Answer. I do not; but I believe if there had been an organization any way general in Alabama, I would have been informed of the fact. I am confident of it.
Question. Yet they did appear at these three places.
Answer. I believe they did.
Question. How does it happen that you do not know more about it except that they appeared there?
Answer. Because I was not there, and nobody communicated to me anything about them.
Question. Is not that a curious circumstance that you, who have such confidential relations toward the rebel element, and such a position in the democratic party, should know so little about these things?
Answer. No, sir.
Question. How do you suppose they have succeeded in keeping it away from you?
Answer. It has not been about me.
Question. The knowledge of it, I mean?
Answer. I have the same knowledge you have; I have read about it.
Question. It does seem to me, if I had been in your position, I would have found out something.
Answer. That is what satisfies me that the organization never existed. I would have found it out.
Question. If it existed in your State, they must have kept their secret marvelously well to prevent you from finding it out?
Answer. Yes, sir.
Question. Were you apprised of the examination in Calhoun County into the proceedings of disguised bands?
Answer. Yes, sir. I spoke of it as the Patona affair; but these men were not disguised. I understood it was the negroes firing upon people coming from church, and they retaliated.
Question. Don't you know the investigation extended itself into general acts of violence, and covered Ku-Klux operations in that region?
Answer. I do not know that fact. I know they had a lengthy examination—examined many witnesses, but I do not now recall the testimony; only I recollect one man said there was a Ku-Klux examined from Georgia.
Question. Did he not say also Alabama?
Answer. I believe he did; but that did not satisfy me there was one.
Question. Didn't that put you on inquiry?
Answer. I did not make any particular inquiries, but I was satisfied then and am now that if there had been such an organization in Alabama to any extent, I would have known it; that if any of my friends had known it, they would have communicated it to me.
Question. Did you ever make any effort to see this man?
Answer. No, sir.
Question. Ever see his testimony?
Answer. Yes, sir; extracts from it.

Question. Did you ever make any effort to see his testimony?
Answer. No, sir.
Question. It is a matter of public record?
Answer. It is in the county; but it is not customary for us to go and get testimony on a preliminary examination.
Question. You have seen it in republican papers?
Answer. Seen allusions to it.
Question. Couldn't you have got a transcript of it?
Answer. Yes, sir; I did not regard it as Ku-Klux, only an ordinary trial. I never heard them charged with being Ku-Klux.
Question. You condemn the Ku-Klux?
Answer. I do.
Question. You would regard it as a great calamity if they should get up any general organization.
Answer. Yes, sir. If they should undertake to control the State, it would be a calamity, and I hope one will never put his foot on the soil of Alabama.
Question. Still they have done it.
Answer. If they are there, I hope they will abandon it. In my speeches I have denounced all sorts of mob-law.
Question. Perhaps that is the reason they have not come to tell you about it.
Answer. I think if my friends had any knowledge of it, they would have told me about it.
Question. They are not in the habit of consulting those who are opposed to them?
Answer. No, sir, I should not think they would; but bodies of men cannot meet without our observing them. How could a body of men carry on their operations, with their uniforms and passwords, and not be seen or known?
Question. You have not been all over the State?
Answer. I have been over most of it.
Question. At night?
Answer. No, sir.
Question. They generally move at night?
Answer. That is what is said of them.
Question. Have you been where you would be likely to see them parading at night?
Answer. I go almost all over the State.
Question. At night?
Answer. Yes, sir. I never saw them parading, nor a man that saw them parading. I have heard men speaking of the occurrences at Huntsville and Eutaw, but not that they saw them.
Question. At Huntsville they paraded in presence of thousands of people.
Answer. I do not think they pervade Alabama.
Question. You believe these circumstances on the testimony of intelligent witnesses who saw them?
Answer. Yes, sir.
Question. You would not hesitate to believe persons who saw them elsewhere?
Answer. No, sir.
Question. You would only think it was still more wonderful that you had not known it?
Answer. Yes, sir.

By the CHAIRMAN, (Mr. Poland:)

Question. You say when negro suffrage was first proposed in Alabama, it did not meet with favor?
Answer. No, sir; not with the majority.
Question. The great majority of the white people were opposed to it?
Answer. Yes, sir.
Question. Is there any change in sentiment on that subject now? Are the majority of the democratic party in Alabama now in favor of it?
Answer. I do not think the majority are in favor of universal negro suffrage. The majority believe the negro, as he exists there now, is not qualified for the ballot.
Question. You say you do not propose to make opposition to it except in a legal and constitutional way?
Answer. Certainly not.
Question. Now, suppose the democratic party should come into power in the nation, and have such a controlling majority in Congress as to submit an amendment to the States for ratification, striking out that provision that has been put into the Constitution, giving suffrage to the negro, and that amendment should be submitted to the State of Alabama to vote upon, and the democrats in that State were in power, how would they vote upon it?
Answer. Well, if, after trying negro suffrage, they thought the increased representation, by virtue of the negro vote, would counterbalance the evil of such an ignorant mass voting, they might vote to continue it; but I do not think the temper of the dem-

ocratic party now in Alabama, if the question were to be left to them, would go further than qualified suffrage or partial suffrage.

Question. Suppose Congress should be so constituted as to propose an amendment to strike out of the Constitution the extension of suffrage to the blacks, leaving it just as it was before, to the States, and that amendment should be submitted to Alabama to vote upon.

Answer. Well, sir, they would vote to strike it out, and then, I think, they would turn around in the exercise of their power and prerogative as a State, and would adopt a liberal policy toward the negro. To what extent they would grant suffrage, I cannot say; but one thing I do know, they would confer upon him every right he has the intelligence to exercise.

Question. They would give him all they thought he ought to have?

Answer. Yes, sir; and which he had the intelligence to exercise.

Question. Now, suppose your party should have the strength to elect an entire congressional delegation of democrats, and the question were to come up in Congress whether such an amendment should be submitted to the people, how would that delegation vote upon it?

Answer. I cannot say; it would depend upon whom they sent here.

Question. Suppose they sent those who represented the opinion of the majority?

Answer. Then my opinion is that they would vote in favor of the amendment to strike out negro suffrage; and then, I believe, the State would be as liberal as the condition of the negro would permit.

By Mr. VAN TRUMP:

Question. That is, if I understood you, they would adopt qualified suffrage?

Answer. Yes, sir.

By Mr. BLAIR:

Question. What do you think would be done, then, in case northern men should get possession of pretty much all the property, as they have done in this District of Columbia? Do you think there would be any danger of their following the example of Congress in taking away the privilege of suffrage from the negro and from the white man, too?

Answer. I cannot say.

By the CHAIRMAN, (Mr. Poland:)

Question. In regard to Mr. Harrington, when was it that the sheriff told you he had that advertisement about the bank robbery?

Answer. I think it was after the first session at which Harrington presided as speaker—between the two sessions of the legislature.

Question. That legislature was not elected till 1868. When did the advertisement purport to say the robbery happened?

Answer. I cannot say whether I read in the paper where the robbery happened, the whole story, or whether it was just the description of the man.

Question. Was it a robbery which had just taken place?

Answer. O, no, sir; some time before.

Question. Some years before?

Answer. I cannot say; he did not speak of it as a recent event. My recollection is, it may have been some old robbery before he came to Alabama.

Question. When did he come to Alabama?

Answer. I think just after the Federal army landed in Mobile, after the surrender, in 1865.

Question. What was the idea from what you learned about it—that the robbery occurred before Harrington came to Alabama, or that he went up from Alabama to the northwest and robbed the bank?

Answer. The sheriff gave me no particulars. The court was in session, and I was going up, when the sheriff stopped me, and showed this thing to me.

Question. The advertisement described somebody as having something to do with it?

Answer. Described two men. He said, "I have got one of the fellows in jail; and he says, Harrington is the other man; did you ever see a better description?" I was in a hurry, and I did not believe he would arrest Harrington anyhow; I thought Harrington had too much money for him.

Question. Did the description apply so specially and peculiarly to him as to single him out from all the men in the United States?

Answer. It was very much like him; but I do not know if I had read it I should have thought it was he.

Question. Was he marked so dissimilarly from others?

Answer. O, no; but he is a man with rather a marked face; you would not mistake him for another man.

Question. Your opinion, if you had any, was more influenced by the fact that the

sheriff told you that the other man in jail said it was Harrington, than from any concurrence in the description?

Answer. The description confirmed, in my mind, what he said.

Question. The description would have been a good one of Harrington?

Answer. Yes, sir.

Question. And it would have been a good description of several thousand other men?

Answer. Well, I do not think I ever saw a man that I recollect to whom it would have answered so well.

Question. Was there in fact a man in prison on that charge?

Answer. I suppose so; he said he had a fellow.

Question. Do you know what became of the man in jail?

Answer. I do not know.

Question. Never heard of him afterward?

Answer. Never. I do not think I saw in the description Harrington's name at all.

Question. You don't remember the State?

Answer. A western State.

Question. Do you remember the bank?

Answer. No, sir.

Question. What was the name of the sheriff?

Answer. Barber; he is not sheriff now; he resigned about two months ago

Question. He would have been sheriff if he had not resigned?

Answer. Yes, sir; he got into some pecuniary troubles, got drinking, and then resigned. He spoke of leaving, but did not. I wish to state that I got a dispatch on Monday last, (one week ago,) at 11 o'clock, to appear here, and left the following morning at 7 o'clock for Washington, and have been too busy during the time to refresh my memory in regard to facts. I may have been inaccurate as to dates and details. I have given the substance of what I saw, heard, and believe, according to my best recollections.

WASHINGTON, D. C., *June* 20, 1871.

JAMES B. CLARK sworn and examined.

By the CHAIRMAN:

Question. In what part of Alabama do you reside?

Answer. I reside in Eutaw, Greene County, Alabama.

Question. How long have you been a resident of that place?

Answer. I have been a resident there for thirty-two years.

Question. How long have you resided in the State?

Answer. I have resided in the State for forty-nine years, lacking two or three months.

Question. What public positions have you held in the State?

Answer. I have been a member of the State legislature several times, some years since. I have occupied the office of justice of the peace, and of solicitor. The last office I occupied was that of chancellor for the middle division of the State of Alabama.

Question. Will you please state whether you are still a practicing lawyer at the bar, and in intercourse with the people of that section of the State in which you live?

Answer. I am a practicing lawyer; I resigned during the war my position as chancellor and returned to the bar.

Question. Do you practice in the district, or circuit as you term it?

Answer. I practice in a few of the circuit courts of the State; I have never practiced in the United States courts; I have practiced in the supreme court of the State.

Question. State to the committee your belief in regard to the efficiency of the execution of the law in that part of Alabama with which you are acquainted, and in the whole State, if your information will enable you to do so; and also in regard to the security of life, person, and property.

Answer. I think that at this time the law can be administered there without any difficulty whatever. Our courts are held regularly; our circuits and the courts of common law; our chancery court, as a matter of course, is a court of peace, and is held regularly. The juries, I am inclined to think, do their duty.

Question. The purpose of our inquiry, as set forth in the resolution appointing the committee, is to ascertain whether the laws are executed in the late insurrectionary States, and whether life, person, and property are secure in those States.

Answer. I consider that at this time life, and person, and property are secure. There have been times there when I did not think they were secure; but I think they are at this time.

Question. When was that time, and from what causes did that insecurity arise?

Answer. Well, after the war everything was in a state of confusion in our country; but that has gradually improved. I do not know that there was any attempt to prevent the execution of the laws; but there were excesses by persons, sometimes by

secret combinations. I merely say there were excesses by secret combinations; I do not know personally. But I think that has all passed away; that is my impression.

Question. At what time did those secret combinations exist, and what was their character, to the extent of your information?

Answer. I think they extended down to within the last eighteen months. Their character was that which is generally known by the name of "Ku-Klux." I cannot say that I ever saw a Ku-Klux in my life; I only speak from information derived from others.

Question. What was the mode of proceeding by that organization, as you were informed?

Answer. Well, sir, as I have understood, they collected in bodies of more or less, from ten to twenty and thirty, and went about the country in the character of what you might term regulators; in some instances there were great excesses committed, as might be supposed.

Question. Did they go in disguises and armed?

Answer. O yes, sir; disguised and armed, and on horseback.

Question. To what extent did those excesses go in the county in which you reside, in the county of Greene?

Answer. Some time since, last March was a year, there was a body of these men, amounting, I should suppose from what I learned, to about twenty-five; they were variously estimated from ten to fifty; but according to the best information I could get, they were about twenty-five in number. They came into our place at a late hour of the night and entered the room of a young man at the hotel, and killed him in the most atrocious manner. That is the greatest excess that I know of or have heard of, as having been committed in that county.

Question. Was that young man Mr. Boyd, the prosecuting officer of that county?

Answer. Yes, sir, it was Mr. Boyd.

Question. Were you in the town at that time?

Answer. I was in my residence, in the town, at that time.

Question. Did it occasion any alarm or excitement in the town?

Answer. Not much, very little. So far as I could learn, from those who knew most about it, it took place about 11 or 12 o'clock at night, and the parties left immediately after; there was not much alarm and very little excitement. A young man who boarded at my house came up in the morning and told me that Mr. Boyd had been murdered.

Question. Was it during court week?

Answer. It was during a large meeting of the presbytery of the Presbyterian Church, which was in session in the place at the time. There was no court in session at the time.

Question. At that time of year would the people of your town generally have retired to rest at the hour the offence was committed?

Answer. I think so; as far as I could learn the most of them had retired to rest at that hour. There were a few young men about the hotel, who had not; but most of the people of the town had retired.

Question. Was any effort made to alarm the town that night, for the purpose of arresting the perpetrators of the act?

Answer. I do not know that there was; I was under the impression that there was not. I have understood that the sheriff was called on, but I did not understand that he raised any body of men to pursue them. It would have been a very dangerous effort to have done so, for our active male population is not a very large one; the whole population of our place, white and black, amounts to from 1,200 to 1,500, I suppose, including men, women, and children.

Question. Were there a great many strangers in the town attending the sessions of the presbytery?

Answer. There were many ministers and elders of the Presbyterian Church attending, but they were all off at private houses, not about the public house at all.

Question. Was the murder of Boyd traceable in any way to his connection with the administration of justice there?

Answer. It was thought that it had some connection. There had been a man killed by the name of Snoddy, a short time previous, in a most atrocious manner, while he was going from the village to his house. I understood that his horse had left him and he was walking home. He was found the next morning with his throat cut from ear to ear, and robbed of some money. Suspicion rested on a couple of negroes, who were taken up and put in jail after an examination. They subsequently broke jail, as I understood, and were pursued and taken, and some persons said they were slain, or one of them was; I know nothing about it, though. As I learned, Mr. Boyd, upon the examination of those negroes, showed very little interest to have them committed, and other counsel were employed and had them committed. When they got out of jail an old man, who was connected with one of them, was suspected of aiding them to get away, or in some way being connected with them—I cannot speak very distinctly

about that. At any rate, this old man was taken and hung, and Mr. Boyd showed a great deal of interest to have that matter inquired into, although it was supposed that he showed very little interest in the investigation into Snoddy's death. Mr. Boyd, as I learned, made some indiscreet threats that he knew who the persons were who had hung the old man, and he intended to keep the grand-jury there six months but what he would have the matter probed to the bottom. This was a short time before the court was to sit, and I suppose, and I think that is the public opinion, that Mr. Boyd brought himself to his death by his indiscretion in telling what he was going to do. Those persons who had hung this old man did not intend that it should ever be known who they were. That is the opinion I have formed. I believe that is the public opinion of both parties in my place.

Question. Do we understand you to say that it is the public opinion there that the same persons who had been engaged in hanging the old man also murdered Boyd?

Answer. The same persons who had been engaged in hanging this old black man were the same persons who murdered Boyd. That is the impression. That is mine, so far as I could learn anything about it.

Question. Do you give that as the most recent instance of any offense of that character committed in your county that you have heard of?

Answer. Yes, sir; I do not know of any killing by any secret body of men. I have heard since of bodies of men in disguise passing through the county and causing persons who were obnoxious to leave the country, but that is the only certain case that I could state distinctly—that is, a well-defined case of killing.

Question. How recent occurrences of that kind have there been, which you were satisfied did occur?

Answer. I do not know that I have any that I am satisfied fully did occur. I heard that there was a case of that kind during last March or February; but I do not think it was well ascertained. There was a man who, by his conduct in many ways, was obnoxious to the people; he had once been our tax-assessor. He came there and left suddenly after being there two nights, and I understood that a body of disguised men had come about his place at night, and he was not seen afterward, but left. Whether it was so or not, I do not know; I do not pretend to advance any certain statement about it. Those reports frequently get out when there is really no foundation for them.

Question. Have there been any cases of that character tried in your courts?

Answer. No, sir; no cases of that character. When Boyd was slain the grand jury were empanneled at the next term of the court, and it was proposed by some of my friends that I should be the prosecutor, as he had been the solicitor; and I would not have refused, but the circuit judge appointed another gentleman, who, I think, was much better qualified than I was, because my age and other circumstances would have prevented me from being a satisfactory prosecutor. The grand-jury were kept together for two weeks, the entire term. One of my sons, who is a lawyer, was during the time associated with the prosecutor as assistant. The grand-jury were kept there two weeks, but they were unable to get any evidence to prove who had slain Boyd. I conversed occasionally with the prosecuting officers, and learned from them that they could get no evidence on that point. The grand-jury made a report that they could get no evidence of who the parties were, but that from the best information they could obtain they were of the opinion that the parties came from an adjoining county. That might have been so, or it might not; I was satisfied that the party did not belong to our town.

Question. From which adjoining county?

Answer. From Pickens County.

Question. Have there been in Pickens County violations of the law of a similar character?

Answer. I am not certain. There had been reports that bodies of disguised men were there, and that they had threatened the solicitor, but I do not know that fact. Still, I am inclined to think that it was so; that there had been bodies of disguised men in that county.

Question. From the information which you derived in the practice of your profession, and as a citizen, from your intercourse with the people had you any doubt as to the existence of that organization in those counties?

Answer. I have no doubt myself that such an organization has existed in that section of Alabama; but other gentlemen, in whom I have confidence, have doubts, and say that it never has existed there; that there have been only there occasional collections of men, and that there never was a Ku-Klux organization there. My own opinion has been, and for a very considerable time, that there was such an organization.

Question. From your information, derived in that manner, please state to the committee what you understand to have been the purpose of that organization, and its mode of operation.

Answer. I think the first purpose of the organization was to counteract these Loyal or Union Leagues, as some call them. There were collections in our section of coun-

try (I presume the committee have been informed of them) night after night, or, if not night after night, week after week, of large bodies of negroes, with some bad white men among them to control and manage them. I think this Ku-Klux organization was set on foot for the purpose of scaring the negroes, as its members went in disguise, and their appearance, as I am told, was not very prepossessing, but rather calculated very much to alarm. The object was to scare the negroes, and prevent those organizations of them. But I think they went further than that. If they had stopped at that, perhaps it might have been well enough; but I think they went further than that.

Question. Did they go so far as to intimidate negroes by violence, by whippings, and in some instances by murder?

Answer. I think that the negroes were intimidated by that organization; and it was said that some negroes were slain; some were missing, but I cannot speak with any degree of certainty; only I know that in regard to one negro he was missing. He lived near me, and never was seen afterward.

Question. Assuming now that the Ku-Klux was organized for the purpose of counteracting the political organization of the Union League, and that it passed from that purpose to the commission of acts of violence, was there any organized effort, or any pronounced public sentiment brought to bear for the purpose of preventing that kind of violence?

Answer. You say "organized effort;" I suppose you mean public expression of sentiment.

Question. Yes, sir.

Answer. I do not think that there was any public expression of sentiment on the subject. That the larger portion of the population of the community in which I live was decidedly opposed to everything of that kind, I have no doubt. But there never were any meetings, or anything of the kind, held for the purpose of putting it down.

Question. What prevented that sentiment, which you say existed, from finding public expression? Was there any terror on the subject?

Answer. I do not know; there might have been some cause; these men traveled in the night; they were unknown to us; we might be conversing with one of them in the street and not know it. But I am inclined to think that the public, the orderly men, did not like to come into any contact with that class of men, for they were generally the reckless and lawless part of our community.

Question. Did not that understanding, which you say existed, that the Ku-Klux was organized in opposition to the Union League, give to its existence a political character?

Answer. Well, it did to some extent.

Question. And did not men divide, to some extent, according to their political opinions, as to whether they condemned, or justified, or excused the operations of the Ku-Klux?

Answer. No; there was no such division, or, I might say, very little. There was no body of people to divide; we were all of one way of thinking; we had no white republicans there, or only three or four; not half a dozen in the county.

Question. Was it understood that the Ku-Klux was composed of white men?

Answer. Yes, sir; it was understood that it was composed of white men.

Question. And therefore, whether designed or not as a political organization, all its members acted with the democratic party?

Answer. Well, whenever the democratic party acted they acted with us; when I say "with us," I mean that I belong to that party.

Question. Has that feeling rendered it difficult, even when members of the democratic party condemned the proceedings of that organization, to bring them to justice?

Answer. I do not know whether it has or not. I can only tell you that there have been parties indicted that I know of, and that vigilance has been exercised by officers of the law and grand juries, so far as I could learn, without bringing any one of that organization to justice.

By Mr. VAN TRUMP:

Question. Because they could not discover who they were?

Answer. They could not discover them; that was it; they could not find out who they were.

By the CHAIRMAN:

Question. What is your opinion as to the continuance of that organization; do you understand that it still exists?

Answer. The impression is that it does not. I conversed with several persons before I left home, and the impression is that the organization does not exist, and could not in our section of the country at this time.

Question. What led to its disbanding?

Answer. I do not know. It is exceedingly unpopular with the respectable white men

of that section of country, and those men belonging to that organization must know that fact. Some of the white men have expressed themselves publicly in the streets against it; I have myself for one. And I am satisfied that these young men—for it is principally the young men who compose this organization—are beginning to be satisfied that it ought not to exist; and consequently we have had no appearance of that organization for a considerable time now, within my knowledge.

By Mr. BLAIR:

Question. You think the public opinion of the country has put it down?

Answer. I think the public opinion of the country is decidedly opposed to it.

Question. And you think that is the reason why it has ceased to exist?

Answer. I think that has had its influence upon them. I suppose, without knowing it, that a great many of the persons belonging to this organization are young men of respectable families; and of course they have heard the organization denounced in their own houses, and have become satisfied that our situation as a people requires that no such organization should exist.

By the CHAIRMAN:

Question. Is it your belief that that public opinion against it is strengthening?

Answer. Yes, sir; strengthening every day.

Question. Are you satisfied that that public opinion brought to bear upon it will have the effect of suppressing the organization?

Answer. Eventually I am satisfied it will, if it exists at all now. Now no man would have it understood—if you were to tell a man now that he belonged to the Ku-Klux you would insult him—no man would have it understood that he ever belonged to such an organization.

Question. Are we to understand, then, that heretofore public opinion has been rather in sympathy with it than against it?

Answer. No; I do not want you to understand me in that way.

Question. Or was it silent?

Answer. Rather silent.

Question. Were you in Eutaw at the time a public meeting was held there? I believe it was last October.

Answer. Yes, sir, it was last October.

Question. It was during the political campaign of last year?

Answer. I was in my house then; I had been crippled a few days before, and was not at the meeting.

Question. We have had some statements made here by some gentlemen in regard to what occurred at that meeting. We want your knowledge of that occurrence, if you will give it to us.

Answer. I have very little knowledge about it. Certain gentlemen came there for the purpose of making speeches to the colored people, because their party had no others to make them to, or at least but very few others. There was a meeting called at the same time on the part of the democratic party; I was absent in an adjoining county when it was called. I had heard some intimation that it would be called, but I did not know that it would be until I received a handbill at the place where I was attending court, advertising a meeting on the part of the democratic party. My understanding is that they did meet on one side of the court-house and the republicans on the other side, and that the company gradually passed from the democratic side over to the other to see what was going on there; that in that manner an excitement arose, and there was some shooting and some few negroes wounded; that is my understanding about it, but it is all an understanding, because I could not be present at all.

Question. You were not there?

Answer. No, sir; I could not get out of my own house at that time.

By Mr. VAN TRUMP:

Question. How many negroes did you understand were wounded on that day?

Answer. I have heard it represented on the part of some that there were fifty-four wounded, and that three or four were killed. I have satisfied myself, in taking very great pains to ascertain the precise number, that no negro was killed on the occasion.

Question. How many wounded?

Answer. Not more than three or four at the furthest were wounded. A gentleman who has already given evidence before the committee, General Warner, says that the paper in my town stated that there were thirty or forty who were wounded. The General may be right, but the paper was wrong; there never were thirty or forty wounded at that time. I think if there had been any considerable number wounded it would have been known. They all mention one old man who had his thigh broken, and, as I told General Warner yesterday, we would hear of that very often.

By the CHAIRMAN:

Question. Did any of those who were wounded afterward die?

Answer. I do not think there were any who died.

By Mr. BLAIR:

Question. Would you not have heard of it, in such a small community as that?

Answer. I think if any had died I should have heard of it. This old man who had his thigh broken, and whom they always bring up on every occasion, did not die; and the boy that had belonged to me, and who was wounded, I know did not die.

By the CHAIRMAN:

Question. Were any white men wounded then?

Answer. I do not think there was.

Question. What is the name of the democratic paper in your town; the Eutaw Whig?

Answer. The Eutaw Whig and Observer.

By Mr. VAN TRUMP:

Question. Was there not one white man wounded in the knee? What is your recollection about that?

Answer. I do not think there was any white man wounded. There was one gentleman who I understand had a shot through his pants; but I do not think there was any white man wounded. In regard to the boy who had once belonged to me, I inquired of a respectable young man who was present, but did not participate in it, and he said, "I saw him myself draw a pistol to shoot, and some one shot him down."

By the CHAIRMAN:

Question. I have an article here taken from a Meridian newspaper of the date of October 27, 1870. The article is headed thus: "The Eutaw Whig will to-day publish the following full and particular account of the exciting affair of Tuesday, by Colonel Joe Taylor, the clear-headed and reliable editor. We return thanks for using it in advance of the mails." I suppose that is the same article that appeared in the Whig?

Answer. I remember now that the Meridian paper got it all wrong.

Question. The part of the article to which you refer, I suppose, is this: "Two white men were wounded, and many received bullet holes through their clothes during the fight. Many narrow escapes from brick-bats, pistol and gun-shots were made. From twenty-five to thirty negroes were wounded, of whom two have since died of their wounds." That, I suppose, is the mistake to which you refer?

Answer. I do not believe a word of it; I do not believe twenty-five or thirty negroes were wounded; I do not believe a single negro died of the wounds he received. I understood that the negroes rallied and turned after being driven; starting down the street they rallied and then they shot, and threw brick-bats and everything of the kind. I only say I understood that.

Question. I suppose this occurrence gave rise, as it naturally would, to a very excited political feeling on both sides in your town?

Answer. Some; not a great deal, no.

Question. Is it correct that a fair has been held in your town to raise money for the purpose of assisting in the defense of the men who are indicted for that riot?

Answer. I think that our ladies, some two months ago, did have a tableau for the purpose of raising money to pay the expenses of the young men who were carried to Mobile. Most of them were young men without means, and the ladies did have a tableau for that purpose, and while some of us did not exactly approve of it, still it was their business, and we did not interfere with it in any way. Others of us furnished the money, which we will again in the fall, when they are carried to Mobile.

Question. Did you investigate this occurrence sufficiently to satisfy yourself who commenced the shooting there?

Answer. No, sir; I did not investigate it. There are two views of that; I have understood from others that it will be shown, or attempted to be shown, that the negroes commenced it. But I did not investigate it myself.

Question. They ran, did they not? Was it not your information that they ran when the firing commenced?

Answer. They ran, and then rallied and returned the fire, is the information I have.

Question. Are any gentlemen from Eutaw present in this city who were at that meeting?

Answer. Yes, sir; there are two gentlemen in my company, Colonel Jolly and Major Pierce; they were both at the meeting.

Question. They were at the meeting?

Answer. Yes, sir; and can give much better information in regard to the matter than I can.

Question. The sympathy of the town itself was strongly in favor with the white men who were engaged in that shooting, was it not?

Answer. I think the sentiment of the town was in their favor. We have a southern sentiment that pervades the whole country, and I think that sentiment was in their favor. Although I disapprove anything of the kind, and of any attempt to set the laws at defiance, still I cannot say that my sympathies were not on the side of the white men, and opposed to the radicals and the carpet-baggers.

By Mr. VAN TRUMP:

Question. Is it not claimed by men who were there that, before any firing was done, there was a rush of a set of negroes with knives brandished?

Answer. No, I think not; I have not heard of that.

By the CHAIRMAN:

Question. Has not that sentiment you spoke of been so strong that traveling shows there have advertised concerts to be given in aid of the men who were indicted for that riot?

Answer. I have heard that they have. I do not remember to have seen any; not in aid of the riot, but in aid of the men who were indicted.

Question. I have here a paper which some one has forwarded to me by mail, and which reached me this morning. It is a copy of the Eutaw Whig and Observer; will you look at the article that is marked there, and say if you know anything about such an exhibition of "The Queen Sisters," as they are called?

Answer. I attended a meeting of "The Queen Sisters," but I do not think it was on account of this affair; but I think that subsequently they did have such a meeting. [Reading from the paper.] "The company (Queen Sisters) gave one of their concerts in Gueensboro for the benefit of those citizens of our county now on trial in Mobile before the United States court, and propose to give one in this place, some eight or ten days hence, for the benefit of our Ladies' Greene County Memorial Association." The Greene County Memorial Association is of a different character entirely. Upon reflection, I do not think they ever gave any concert in Greene County for the benefit of those men. They did give one for the benefit of the Greene County Memorial Association, which is an association to keep in remembrance the death of our soldiers.

Question. The statement in that paper in reference to the concert given in Gueensboro for the benefit of the young men of your county on trial at Mobile relates to the men indicted for the riot?

Answer. Yes, sir; but that was in an adjoining county.

Question. Who is the present judge in your circuit?

Answer. Luther R. Smith.

Question. Have there been any complaints in your county, of a general character, of the inefficiency or incapacity of Judge Smith as a presiding judge.

Answer. I do not think there have been. Judge Smith did not hold our last term.

Question. What is your own belief as to his capacity as a lawyer and as a jurist?

Answer. I think he is a very fair judge; I think that he is a man of very respectable talents, and a clear and discriminating mind.

Question. Is there any other fact within your knowledge, or that you would desire to communicate to the committee, as throwing any light upon the subject committed to them for investigation? If there is, state it fully to the committee.

Answer. I do not wish to state anything, unless questions are asked me, except that if there is any impression on the part of any one that human life is not safe there now, and gentlemen cannot travel through that country as safely as they could do so in the city of Washington, I wish to express my dissent from any opinion of that kind. I believe gentlemen can travel through the county of Greene, it is immaterial where they come from, with as much safety as they can travel through the State of Pennsylvania or any other part of the United States.

By Mr. BLAIR:

Question. Can any person express his opinion upon political subjects there with impunity?

Answer. I do not know; perhaps an open-mouth man who should go there might get a fight on his hands, if he commenced to express his opinions. I think it very likely some of those open-mouth men might get their mouths slapped. That is a sort of privilege men in the West and South claim, slapping the mouth of a fellow who does not please them.

By the CHAIRMAN:

Question. To what extent does that feeling go, in regard to the expression of political opinions to the negroes, instructing them as to their rights, and the right to the exercise of suffrage in particular; does it amount to absolute hostility or violence?

Answer. Well, I do not know whether it does. I think myself that persons would not be entirely safe to go there and call a meeting for the purpose of addressing the colored people; that is the opinion I have; others differ from me, and say it would be perfectly safe for them to do so. We are a sensitive people; and while we are willing to respect

other people, we do not want them to interfere with our matters. The negroes and we are getting along remarkably well just now; the negroes are our operatives or laborers; and the two races are necessary to each other. There never was a kinder feeling between the negro and the white man in our section of the country than there is at this moment.

Question. Take the case of negroes who have been whipped, or subjected to any other acts of violence by these armed bands of disguised men; if a white man, any white man, were to say to them publicly that they had the same right as white men have to the protection of their persons and property, and that they ought to stand up for them and defend them, would that be considered as an interference with the rights of the southern people?

Answer. I think not. We tell the negroes about their rights. I have told those negroes who once belonged to me that they were free, and have rights as free men and free women, and I have no doubt others have said the same thing to them. I never tried to influence but one negro to vote on my side of the question, and he would not do it. I said to him, "Why, you are going to vote for a man who is a drunkard, a trifling scoundrel, and no manner of man; you are a Presbyterian and I am a Presbyterian, and why will you vote that ticket?" "O," said he, "I must vote that ticket, because my party votes that way;" not that the ticket he was going to vote for was right, but that his party was going to vote that way. That is the only colored man I ever tried to influence; I stopped at that. I have never attempted to influence those I have had about me. Sometimes I have asked them, "Are you going to vote?" and the reply has been, "No, I don't care about voting." I would say to them, "If you want to-day to go and vote, why go and vote." I have never asked them how they were going to vote.

Question. Could expressions of the character which I indicated a moment ago be used with safety to the colored people in public meetings?

Answer. If public meetings were allowed to be held at all, they could.

Question. Do you think that it is dangerous to call public meetings of the colored people in your State for political purposes, in the present state of feeling there?

Answer. I do not speak of any county but the county I am in, because I do not know the public sentiment in other counties.

Question. Well, as to the county in which you live?

Answer. I am inclined to think it would not be entirely safe. Other gentlemen, I say, think differently from me; they think it would be safe.

By Mr. STEVENSON:

Question. What is your age?

Answer. I shall be seventy-five years of age to-morrow night.

WASHINGTON, D. C., *June* 20, 1871.

J. J. JOLLY sworn and examined.

By the CHAIRMAN:

Question. Do you live in Alabama?

Answer. Yes, sir.

Question. In what part?

Answer. In Greene County, in Eutaw.

Question. How long have you resided there?

Answer. All my life.

Question. What is your occupation?

Answer. I am a lawyer.

Question. Do you practice in the circuit there?

Answer. Yes, sir.

Question. Have you such information of the existing state of things in that judicial circuit as will enable you to testify in regard to the execution of the laws and the security of person and property within those limits?

Answer. I think I have.

Question. Go on and state to the committee your views upon that question in your own manner.

Answer. The condition of the country is as quiet and peaceable now as I have ever known it to be, either before or since the war. The laws are executed without trouble and without difficulty. The condition of the country at this time is very quiet and peaceable, and the laws better observed and better enforced than they have been at any time before or since the war.

Question. Is that so in all classes of cases, both civil and criminal?

Answer. I think so.

Question. Have you any knowledge of the existence in the State of Alabama of any secret organization, commonly know as Ku-Klux, or by any other name?

Answer. I have not. I will state that, so far as my information goes, and it is pretty general throughout that section of the country, I do not believe that the Ku-Klux organization, or anything that assimilates to the character given to that organization, has ever existed in that section of country, or does now exist there.

Question. Have you ever understood that it is one of the obligations of that organization to keep its existence secret?

Answer. I do not know anything about that.

Question. Is that the general reputation in that region, where it is alleged to exist?

Answer. I have heard such reports; I have understood from newspaper accounts that they did keep their counsels secret.

Question. Have you any knowledge of any violations of the law having been committed in the county of Greene by bands of armed men in disguise, and in the night?

Answer. Yes, sir, I have known of a few; I knew of the killing of a man by the name of Boyd; I believe it was in March, 1870. I was not at home at that time; I was in Mobile. I understood he was killed by disguised men; and I have heard of one negro being killed by disguised men; though of these matters I do not know anything personally. I was not at home at that time; I have simply heard that they were killed by disguised men. I think it was rumored that the negro, whose name was Sam Colvin, was killed by disguised men; and so was Mr. Boyd. I believe I know of no other cases, even from rumor, of persons who were killed by disguised men.

Question. In that county of Greene?

Answer. There have been several cases of killing there besides those, but they were not killed by disguised men that I have heard of.

Question. You referred to a negro man who was killed by disguised men; was that the case of Caldwell?

Answer. No, sir; it was Samuel Colvin, the father of Samuel Caldwell. Sam Caldwell and Henry Miller were accused of killing a young man by the name of Snoddy. I defended those two negro men; I was their counsel. On the preliminary examination it was concluded by the magistrate that they were guilty, and they were put in jail to await an investigation before the grand jury. Before the grand jury assembled, however, some month or two after they were put in jail I suppose, they escaped from jail. We heard that Henry Miller was caught, and that in the catching of him he was killed in some way; exactly how we never understood. Sam Caldwell, we understand, has never been caught, has never been heard of since he got out of jail. I was present during that investigation; I defended the prisoners by all means in my power. The evidence was pretty clear; at least sufficient cause was shown to put them in jail for a hearing before the grand jury.

Question. That is not the other case to which you refer as having been committed by disguised men? That is not one of the other cases?

Answer. No, sir.

Question. What was the other case?

Answer. The case of Sam Colvin, the father of Sam Caldwell, who was put in jail with Henry Miller, for the killing of Snoddy.

Question. Was Snoddy killed by men in disguise?

Answer. No, sir; I did not say that.

Question. I wish to get an understanding of the other case besides Boyd, to which you refer.

Answer. It was the case of Sam Colvin, the father of Sam Caldwell; Colvin was also charged with complicity in the murder of Snoddy, but I defended him on the examination, and he was discharged. After the escape of Caldwell and Miller from jail, we understood that old man Sam Colvin, the father of Caldwell, was caught and hung by disguised men.

Question. The father of Caldwell was called Colvin?

Answer. Yes, sir; they take different names there according to the families they live with.

Question. These are the only two cases you know of in the county of Greene of murders being committed by disguised men?

Answer. The only two I have heard of; I do not know of any.

Question. Was the appearance of those men who murdered Boyd accounted for in any other way than on the supposition that they belonged to that organization?

Answer. Well, sir, my recollection is that the grand jury said in their report that it was a band of disguised men, and from the evidence that was before them, that they reported to the court that the men came from, or at least were traced to, an adjoining county.

Question. That occurrence took place in the town in which you reside?

Answer. Yes, sir.

Question. A man having been murdered at 11 o'clock at night in the public hotel, when you returned did you investigate the particulars for your own satisfaction?

Answer. I inquired about it as any citizen would do.

Question. What was your belief as to whether those men who committed that act in the manner in which you ascertained it had been committed, were members of an organization?

Answer. Members of an organization?

Question. Yes, of an organized body.

Answer. I think they were a crowd of men who associated themselves together for that special purpose. I have no reason to say, and indeed I do not believe, that they belonged to any general organization.

Question. Did your investigation disclose whether they came in military order?

Answer. I am told that they came up the road two and two, on horseback.

Question. Did it disclose the fact that they were halted in front of the hotel by command?

Answer. They were halted, but whether by command or not I do not remember.

Question. Does it disclose the fact also that a certain number of them were commanded to go into the hotel while the others stood guard?

Answer. I understood they did go in, whether by command or not I do not remember.

Question. A certain number went in, while the others stood on guard?

Answer. Yes, sir.

Question. And those who went in murdered Boyd?

Answer Yes, sir; it was so stated.

Question. Now, upon the examination you have made, is it your belief that the whole organization was gotten together simply for that one purpose, and never had any previous existence?

Answer. That is my opinion. I can say further——

By Mr. BECK:

Question. Give me in full your reasons for that belief.

Answer. My reasons for it are these ——

By the CHAIRMAN:

Question. I would prefer you would give your reasons in full.

Answer. About fifteen years ago, Mr. Boyd, who was killed, killed a young man in the neighborhood of Union, about ten miles above Eutaw, by the name of Brown. He was tried and convicted of murder in the second degree, and sentenced to the penitentiary for ten years. After he was sentenced an application was made for his pardon; or not for his pardon, but an application was made for executive clemency. The governor, on the petition, commuted his punishment to one year in the county jail. He staid in the county jail until his time expired, and he then went off to another State, Louisiana or Arkansas, I do not remember which. After the war closed he came back to Greene County.

By Mr. VAN TRUMP:

Question. Had he been back in the mean time?

Answer. I do not know that he had; if so, I do not know it. He came back to Greene County, and shortly after he came back there he was either appointed or elected to the office of county solicitor. Those people who were related to the young man Brown, who was killed by Boyd, disliked Boyd very much, as a matter of course, and were irritated against him very much all the while. He was very obnoxious to that class of people, and to the people of that community particularly. After the killing of Snoddy by these two negroes, he stated on the street, perhaps to one or two different persons, as I understood, that he knew the parties, and I think he gave to one the names of some parties who he said were guilty of the hanging of old man Sam Colvin. The reason given for the killing of Boyd was that he gave the names of individuals who hung Sam Colvin; that is generally said to be the reason in our community why he was killed; that is believed to be the reason why he was killed; that is what I believe, that is what my investigation led me to believe.

By the CHAIRMAN:

Question. Had this occurrence any connection with the killing of Brown fifteen years before?

Answer. I never understood positively that it had; but it was understood that certain names were given.

Question. Had the killing of Brown, then, anything to do with the killing of Boyd?

Answer. Only as it connected itself in this way, that the relatives and friends of Brown were very hostile toward Mr. Boyd, and it was supposed by us, by me and others, without knowing, that perhaps some of those names he mentionad were the names of some of the other parties.

Question. Have you had any conversation with any of Brown's relatives upon the subject?

Answer. Since the killing of Boyd?

Question. Either before or since.

Answer. Some years ago I heard the family speak of Boyd.

Question. I mean now in regard to the killing of Boyd; had you any conversation with any of Brown's relatives either before or since the killing of Boyd, in regard to it?

Answer. No, sir.

Question. Had Boyd left there immediately after his respite by the governor?

Answer. That is my impression, but I am not positive on that point.

Question. That would be about 1856 or 1857?

Answer. I will not be positive on that subject; my impression is that he left very soon after he served out his time.

Question. In what year did he come back?

Answer. The latter part of 1867, I think.

Question. And he lived there from 1867, till March, 1870?

Answer. Yes, sir.

Question. Had there been any attempt upon his life, or to do him any injury, by any of Brown's relatives, in the time from 1867 to 1870?

Answer. None that I ever heard of.

Question. Is it your belief, then, that vengeance for Brown's death was any part of the motive that led to the killing of Boyd?

Answer. That, in connection with the charge which he made publicly that certain men were connected with the hanging of Sam Colvin; I believe that was the cause.

Question. Did you get the names of the men charged with that?

Answer. I do not know them.

Question. How do you connect the two cases?

Answer. It was simply a matter of belief on the part of the people.

Question. Is that your belief?

Answer. That is my belief.

Question. That the threat which he made of bringing those persons to justice for the killing of Colvin was the cause of his being killed?

Answer. That was the immediate cause of his killing, in my judgment. I will state, however, to the committee that Mr. Boyd was very obnoxious generally; was regarded by our people more in the light of a persecutor than a prosecutor in his office; he was obnoxious generally to our people.

Question. Do you mean that he prosecuted too vigorously?

Answer. I do not mean that. I mean that he prosecuted with more of venom than of firmness. He was not a man of great capacity; he was of very small capacity, but of very strong feelings and prejudices.

Question. Were any means taken before the grand jury met to ascertain who were the persons engaged in killing Boyd?

Answer. Well, many inquiries were made; no legal proceedings were instituted, for the reason, I presume, that no one knew where or how to begin; there was no such information, so far as I know, as to be acted upon for an investigation.

By Mr. BLAIR:

Question. The grand jury inquired into it?

Answer. Yes, sir.

By the CHAIRMAN:

Question. How long was that after the killing?

Answer. It was about a month or so.

Question. Did the sheriff offer any reward for the arrest of the persons?

Answer. I do not remember whether he did or not.

Question. Did you understand that he was present and saw the persons?

Answer. I understood the sheriff was there, at least very soon after the killing; indeed he told me so himself, when I was conversing with him upon the subject.

Question. Did he make any effort to raise any posse and to pursue them?

Answer. He told me that he did not, for the reason that it was at too late an hour of the night; there were very few persons on the street; the number of disguised men were said to be about twenty-five; and with the few who were on the street he could not possibly have made an arrest, if he had made an effort, and therefore he did not try. Our town is scattered over a considerable space of ground; the people live some distance apart, and at that hour of the night it would have been a very difficult matter certainly to have arrested them before they could get away; indeed they could not have done it at all.

Question. Would the people have responded to a call of the sheriff if he had made it?

Answer. They would.

Question. Was any effort made the next day to arrest them?

Answer. None that I know of; and for the very good reason that nobody knew where, or when, or whom to arrest.

Question. And no effort was made to follow the offenders?

Answer. None from the town of Eutaw, that I know of.

Question. Were you present at the meeting in October last at which the riot was said to have occurred?

Answer. Yes, sir.

Question. Please go on and give to the committee in detail, without further question, your history of that occurrence as you saw it?

Answer. Both parties, the democratic and the republican parties, had announced meetings for that day; their notices were stuck up, informing the public of that fact. On the morning of the 25th of October some gentlemen, authorized by the republican party, addressed a note to the president of the democratic council of that county, proposing a joint discussion. Our council was called together to pass upon the propriety of a joint discussion; and we agreed not to hold a discussion, and so notified them, for the reason, in the first place, that we did not consider there was anything to be discussed; and in the next place, for the purpose of avoiding even the probability or the possibility of a difficulty, if it could be avoided; those were our reasons. I was one of the committee which was instructed to inform the committee of the republican party of that fact, and the note is in their hands. We addressed them just such a note as we were instructed to address them by the democratic council; Major Pierce and myself. After we declined the discussion the democratic party immediately assembled their meeting on the north side of the court-house square.

Question. The discussion was declined before either party had commenced their meetings?

Answer. The democratic meeting was called together just about the time that we declined to enter into a joint discussion. The meeting on our side, the democratic side, passed over very quietly. After the meeting had closed ——

By Mr. VAN TRUMP:

Question. Right there state how long the democratic meeting lasted, and how many speeches were made?

Answer. I think there were three speeches made, and, I suppose, it lasted about two hours.

By Mr. STEVENSON:

Question. Did you go right on with your meeting after the council resolved not to discuss; did you proceed to organize?

Answer. Yes, sir.

Question. Simultaneously with sending the notice?

Answer. Yes, sir; and when we returned, our meeting had assembled and one of the speakers was on the stand. After our meeting closed, several of our young men, young men from the democratic side of the square, went around to the republican meeting. Senator Warner and Governor Parsons made speeches. During Governor Parsons's speech the noise became a little louder than we thought it ought to be. There was simply a fusillade of questions going on; and one of our old citizens came to my office and asked me to walk around with him and see if there was any prospect of trouble, and to aid in stopping it. The sheriff also asked me to do so. We went around there and saw one or two young men who had been drinking. We took them away and carried them to my office. Governor Parsons concluded his speech, and at the conclusion of his speech Major Hays attempted to speak, or got upon the stand; whether his intention was to speak or not, I do not know; I have understood since that he did not intend to speak; but he got up on the stand. Just at that time there was a colored man who was a democrat trying to get up on the stand also to speak. He was among his colored friends, and, I suppose he thought he had as much right to speak there as anybody else. During the rush for him to get up on the stand, and immediately after Major Hays got upon the stand, there was a rush from the crowd of colored people in front, (there were about a thousand there,) and in the rush he was either pulled off or he fell off the stand; I do not know which for I did not see him.

Question. Who was pulled off?

Answer. It was said that Major Hays was either pulled off or fell off the stand. I did not see it, and I do not know it, for I was not in a position to see it. Just before that occurred, however, Major J. G. Pierce, knowing that Major Hays was extremely obnoxious to our people there, as he is, and we think deservedly so, went up to Governor Parsons and requested him to try and persuade Mr. Hays not to speak, for he feared it might lead to trouble. Just at that time, when he was talking to Governor Parsons on the subject, and Major Hays was upon the stand, Major Pierce was shot at from his rear by a negro in the crowd to his rear; he was shot through his pants, and then the firing became general.

By the CHAIRMAN:

Question. Were you in a position to see that?

Answer. I saw the smoke from the pistol. I did not see the man who shot it, but it was in the crowd of colored people very near the main entrance, or door which goes

into the main entrance of the court-house building, just to the right of the door. Then, of course, the firing became general. There was firing from our side, and after a little, after the immediate stampede was over, there was firing back from the colored side. The Federal troops were then called on. They came into town, and being seen by the negroes and the white people, too, the difficulty was over, soon stopped, almost instantly.

By Mr. VAN TRUMP:

Question. Was the smoke from this pistol you speak of from that part of the crowd composed entirely of negroes, or was it a mixed crowd, white and black?

Answer. There were no white people at that point at all; the white people were in the door of the court-house, and in the clerk's office. The clerk's office was immediately behind where the stand was placed.

By Mr. BECK:

Question. That was the first fire?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Where were you at that time?

Answer. I was in the clerk's office. I had gone there at the request of Mr. Kirksey, a good citizen of the place, and soon after I got in the office the pistol was fired.

Question. You say it was fired at Major Pierce when he was in the act of speaking to Governor Parsons?

Answer. Yes, sir; with a view to persuading Mr. Hays not to speak.

Question. Where was Hays at that time?

Answer. He was in a place where I could not see him very well. I understand from Major Pierce that he was on the stand, had just got on it, I believe.

Question. Was Hays called for by any person in the crowd before he got upon the table occupied as a stand?

Answer. Not that I remember.

Question. Were you there at the close of Governor Parson's address?

Answer. I got there just as he closed.

Question. And went immediately into the circuit clerk's office?

Answer. Yes, sir; there were quite a number of white men there.

Question. How many?

Answer. A good many; I suppose there were ten in the clerk's office.

Question. Were they armed?

Answer. I did not examine them; I suppose some of them were.

Question. Did you not see whether they were or not?

Answer. I think I saw one pistol.

Question. Were those white men in the clerk's office men who had come from the meeting on the other side of the court-house?

Answer. I do not remember whether they were at the other meeting or not. The man I saw have a pistol was drinking, and was just exhibiting the weapon there, as we frequently see drunken men do on public occasions.

Question. Which meeting was called first?

Answer. My recollection is that the republican meeting was called first.

Question. And the democratic meeting was called for the same day?

Answer. Yes, sir.

Question. And at the same place?

Answer. Yes, sir. I wish to state, however, in that connection, that the calling of the democratic meeting had no reference to the republican meeting. We desired that Mr. Lindsay, who was then our candidate for governor, General Clanton, and others, should address our people. It was a short time before the election, and in a meeting of the council, or of the executive committee and other advising friends of the party, we agreed upon that day for our meeting. I was a member, and present myself; we agreed upon that day without any reference to the other meeting at all.

Question. With a knowledge that that meeting had been called for that day?

Answer. So far as I am concerned personally, I do not remember whether I had any knowledge of it or not; I presume, however, we did.

Question. The handbills announcing the meeting were up in the court-house, were they not?

Answer. I understand they were.

Question. Did you not see them?

Answer. Not prior to putting up ours; I did not see any.

Question. You think you had knowledge of the fact?

Answer. I think the meeting was called before ours.

Question. Did not a large number of people come there armed that day?

Answer. I do not know.

Question. What is your impression?

Answer. That a great many had pistols; and I will state another fact, that I know that a large number of negroes came armed with double-barreled guns and pistols on the same day.

Question. On the same day?

Answer. Yes, sir; and my information from some of them was, that they were ordered to go there armed.

By Mr. BLAIR:

Question. Is it not the general custom of people in that country, in coming to the towns from the country, to carry arms with them?

Answer. They very frequently do.

By the CHAIRMAN:

Question. Is it your belief that the persons at both meetings who were armed were there merely following the general custom, or was there a design in arming?

Answer. So far as the democratic party was concerned, there was no design to bring about a difficulty; I know personally there was not. And I know every effort was made that day by the quiet men of the community, and by the leaders of the democratic party of that county, to prevent any disturbance whatever.

Question. At whose instance did the colored man endeavor to get on the stand, of whom you spoke?

Answer. At whose instance?

Question. Was he called for by anybody?

Answer. I understand—I do not know that it is the fact—that there was a young man there, I think he was a Georgian, who had been stopping there, and who had been on the Alabama and Chattanooga Railroad; he had been drinking on that occasion, and seemed to be the principal man managing this colored man, trying to get him upon the stand.

Question. Was he a democrat?

Answer. I do not know that; I presume he is, as pretty much all the white men there are.

Question. Had you been consulted about the colored man's speaking?

Answer. Had I been consulted?

Question. Yes.

Answer. I had not; I had no communication from the republican party but the one about the meeting.

Question. I understand you to say that a colored man was trying to get upon the stand?

Answer. Yes, sir.

Question. Had you been consulted upon that subject, or did you receive any information about it?

Answer. No, sir; the only advice I ever gave in that democratic council, of which I was a member, was that our people should stay away from there, and not interfere with the meeting at all. We used every effort that we could to get our young men away from there. The reason I was there was to prevent any difficulty.

Question. Do you locate the origin of the difficulty in the effort of this colored man to get upon the stand?

Answer. I state the fact; I do not attribute it to any particular cause. At that time this colored man, in the hands of Reynolds, who was a Georgian, made an effort to get upon the stand as Mr. Hays was trying to get upon it. There was a general rushing or pressing together of the colored people in front to get toward the stand. There was considerable excitement produced at that time; Mr. Hays was either pulled from or fell from the stand.

Question. This Reynolds was a Georgian?

Answer. Yes, sir; came from Georgia down to the Alabama and Chattanooga Railroad, and for a short time had been living in and around Eutaw.

Question. Is he the same Reynolds who has been identified as having been engaged in the troubles at Meridian?

Answer. The same man; an irresponsible man.

By Mr. STEVENSON:

Question. How long has he been about Eutaw?

Answer. About three, or four, or five months altogether, and on the railroad.

Question. How long before that time?

Answer. Perhaps two months before the difficulty; he left there some time since.

By the CHAIRMAN:

Question. Were any colored men wounded at that riot?

Answer. Yes, sir.

Question. Any white men?

Answer. Yes, sir.

Question. How many of each?

Answer. Two white men were wounded; I do not know how many colored men were wounded; I have heard of as many as ten, but I do not know how many.

Question. Had you anything to do with the preparation of the account that was published in the Eutaw Whig afterward?

Answer. Nothing.

Question. Did you read it?

Answer. Yes, sir.

Question. Does that give a correct account of the number of men who were wounded on that day?

Answer. No, sir; I think it is exaggerated.

Question. How many were wounded there, or did you make such investigation as to satisfy you on that point?

Answer. I inquired of physicians who generally attended them, and from the best knowledge I could get, I am satisfied there were not over fifteen or twenty, at the out side.

Question. Did any of them die from their wounds?

Answer. No, sir; not one.

Question. You say, then, that there was no design on the part of anybody to bring about a difficulty on that day, but, on the contrary, your design was to avoid one?

Answer. Yes, sir; the design expressed and felt by us all was to prevent any trouble whatever.

Question. Had you no apprehension of trouble from calling the two meetings on the same day?

Answer. Well, sir, I do not know that we had, except in the excited state of the public mind. Our impression about the matter was that the best way to prevent a difficulty was to have our meeting in a different part of the town and apart from the republican meeting, and we endeavored to hold all of the democrats, the young men particularly, away from there, and keep them at our own meeting and apart from the others. Our people, the white people, are not exactly satisfied with the condition of things there, and we thought it was best to keep them apart.

Question. Did you think the best way to do that was to call the two meetings on the same day?

Answer. I do not know that there is any more reason for supposing—indeed, I do not think there would be any less probability of a difficulty with a republican meeting called in Eutaw alone than there would be to have two meetings in different parts of the town, and an effort made to keep them apart; I think there would be more reason for difficulty.

Question. Why did you not keep them in different parts of the town?

Answer. We did; we called ours together first, and on the north side of the court-house; they had a right to hold their meeting where they pleased.

Question. The two meetings were held with only the court-house between them?

Answer. Yes, sir.

Question. Did you not advertise for that meeting as speakers gentlemen who you knew could not be there on that day?

Answer. No, sir; we did not.

Question. Were they not engaged elsewhere on that day?

Answer. We have understood since that they were.

Question. Did you not advertise them without knowing that they could be there?

Answer. No, sir.

Question. You did not know whether they could be there?

Answer. We knew they were to be at different places during the campaign.

Question. Did you not advertise them before you knew whether they could be there or not?

Answer. We did as is sometimes done; we advertised the meeting without knowing whether we could get all the speakers there.

Question. As a matter of fact, no one you did advertise was there?

Answer. None from abroad.

Question. Have you any knowledge of the whipping of Mr. Cockrell, a member of the bar of your town?

Answer. From hearsay I have.

Question. Had that any connection with his being a witness in the case at Mobile?

Answer. I do not know. A young man by the name of Waddell, from Marion, Perry County, Alabama, and this same young man, Reynolds, I have been speaking of, went upon the boat as he came up from Mobile, as we are informed, and whipped him.

Question. Have you any information, from Reynolds or any one else, as to whether the whipping was inflicted upon him because of his having gone to Mobile as a witness?

Answer. I have never seen Reynolds since; he was indicted for the offense, and has left the State.

Question. What was Mr. Cockrell whipped for, according to your information?

Answer. My information is that they went upon the boat and inquired for Mr. Cockrell, this young man from Perry County.

Question. He inquired for him?

Answer. He inquired for Mr. Cockrell, asked where he was; his room was pointed out by some one, and Waddell went there and commenced beating him, and after the difficulty had progressed somewhat Reynolds struck him with a pistol on the back of the head. I have heard since the difficulty that he was told by young Waddell that it was because he went to Mobile as a witness. But I wish to state here that it was a matter which our people universally regretted—a thing for which we wanted the parties indicted, and for which they were indicted. We all discountenanced it, and regret it as much as any people can. It was not done by the consent, approbation, or authority of anybody. But we heartily wish to-day that they both may be punished, severely punished, for the act.

Question. What connection had Waddell with that case?

Answer. None in the world. He had gone over to bring the corpse of a young man who had died at Marion.

Question. Where was he from?

Answer. Perry County.

Question. He was in company with Reynolds?

Answer. Yes, sir.

Question. Was Reynolds one of the defendants in the case at Mobile?

Answer. No, sir; not that I know of.

Question. Is he the same Reynolds who tried to get the colored man to speak on the day of the meeting at Eutaw?

Answer. He was.

Question. And the same Reynolds who was identified as having been at Meridian?

Answer. The same.

Question. He never was indicted at Mobile?

Answer. No, sir; he is not a defendant in the case at Mobile, but he is indicted for the assault upon Mr. Cockrell, in the supreme court in Greene County.

Question. My impression is that some one has stated that he was indicted at Mobile.

Answer. That is a mistake, I think; if so, I have never been informed of the fact.

Question. Has any other reason been assigned for beating Mr. Cockrell than that he was a witness in that trial?

Answer. I have heard of no other; but I do not know of my own knowledge that that was the cause, though I have heard it stated that it was so stated by this young Waddell.

Question. Is Mr. Cockrell a member of the bar?

Answer. Yes, sir.

Question. A respectable member of the bar?

Answer. He has not a very high standing as a member of the bar.

Question. Is he a man of respectable habits and character?

Answer. He has been; yes, sir, tolerably.

Question. Is he a republican?

Answer. He has passed for a moderate republican some year or two.

Question. These other men who are charged with whipping him are democrats?

Answer. Not that I know of. I do not know what the politics of Waddell is, or of Reynolds. One thing I do know, that Reynolds is a man our people would be very glad to get rid of, and we neither know nor care what are his politics.

Question. Do you understand that either Waddell or Reynolds is a republican?

Answer. No, sir; I do not know what they are.

Question. Have not these difficulties, lamentable as the fact may be, assumed altogether a political character?

Answer. I think not. I have no doubt that excitement in politics has had something to do with trouble there. But most of the murders, most of the whippings, most of the difficulties that have happened there, have grown out of personal matters, not connected with politics at all. For instance, there was a man in the neighborhood of Union, by the name of Wilson—no, the first man killed in Greene County, that I remember, was a negro man, who was castrated and hung to a tree by some men, because he committed a rape upon a respectable white lady there.

By Mr. BLAIR:

Question. Was that Nelson Harris?

Answer. That is the name; he committed a rape upon a lady and was killed for it.

By the CHAIRMAN:

Question. Was there any investigation to show that he was guilty?

Answer. He was caught in the act, so I understood, and identified by the lady afterward.

Question. Did they take him and hang him when he was caught in the act?

Answer. No, sir; he was not taken then; only a young man, or boy, who was not able to arrest him, saw him, and notified some of the neighbors and friends of that lady, and I suppose they caught him.

Question. How long afterward was he hung?

Answer. About the next day; he made an effort to get away, and was pursued and caught.

Question. That is one case you refer to?

Answer. That is one case.

Question. In what county?

Answer. In Greene County. Then there is the case of Sam Colvin, to which I have referred.

Question. Those were not disguised men who hung Harris?

Answer. No, sir. Sam Caldwell was said to have been connected with the murder of Snoddy, and that was the cause of his being hung.

By Mr. VAN TRUMP:

Question. What was the public impression and the fact in regard to the conduct of Boyd in being very active, or otherwise, in ferreting out the persons that killed Snoddy?

Answer. He was not very active.

Question. Was that the public impression there, that he was rather lax?

Answer. Yes, sir; indeed, he had nothing to do with it, or did not take any part in it; counsel were employed; I defended the negro myself.

Question. When Sam Colvin was dealt with, was Boyd particularly active in trying to get up a prosecution against those who did that?

Answer. It was never investigated, for the reason that Mr. Boyd was killed very shortly after Colvin was hung. There have been no arrests, and no investigation brought about.

Question. Did you state that the public impression and public idea was that he had made some indiscreet declarations in regard to prosecuting those men?

Answer. It was said there that he perhaps stated to one or two persons that he knew the parties; I think that one said he went so far as to name the parties, though I never heard the names. He said he knew the persons who had hung old man Sam Colvin, and he intended to keep the jury in session six months but he would get them indicted.

Question. So the people contrasted his manifestation of interest in regard to that as compared with his laxity in regard to the other?

Answer. I do not think there was anything of that kind; there was no anger against his energy. But the particular parties whom it was thought he accused of that crime were mad with him because he made that accusation, and it was thought that was the reason he was killed.

By Mr. BECK:

Question. Was it assumed that his politics had anything to do with his being killed?

Answer. None in the world. Mr. Boyd had lived there from the time he took possession of the office up to that day. No person had ever interfered with him, had ever insulted him so far as I know. His politics had nothing to do with it, in my judgment, and in the judgment of our people generally.

By the CHAIRMAN:

Question. There has been some confusion in regard to the time that the murder of Boyd occurred. My recollection is that some witness has stated that it was during the sitting of the court, but Chancellor Clark says to-day that it was during the sitting of some ecclesiastic court there, or some ecclesiastic body.

Answer. It was during the session of the presbytery.

Question. I think that some witness has stated that it was during the session of the court.

Answer. That is a mistake; I was absent at the time, and I would have been there had the court been in session.

By Mr. STEVENSON:

Question. Was the court about to sit?

Answer. This was about the 1st of April, and I think the court assembled about the last week of April or the first week of May. Our court assembles the fifth Monday after the fourth Monday in March and September. Boyd was killed about the 1st of April, and our court assembled either the last week in April, or the first week in May.

Question. It was about the time that lawyers begin to prepare their business for the approaching court?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did you hear of a man named Guilford Coleman injured in that county?

Answer. Yes, sir.

Question. Was that traceable to a private quarrel, or was it done by a band of disguised men?

Answer. I do not know; I do not think I ever did know how Coleman was injured.

Question. Was he murdered?

Answer. It was supposed he was.

Question. Was his body found?

Answer. Not that I have ever heard of; if it ever has been I do not know it.

Question. Was it the impression that he was murdered?

Answer. That is the impression, that he was killed.

Question. For what cause?

Answer. There have been some causes stated; I do not know anything of their reliability at all; in fact I do not know what the cause was; I do not think anybody else does.

Question. Was he a republican?

Answer. I suppose he was; I think so; he was a very good old negro, though, and he was not a noisy man in politics, any way.

Question. He was a man of good character for a colored man?

Answer. A man of very good character, yes, sir.

Question. Do you know of the case of Mr. Hill, a preacher?

Answer. Yes, sir; that happened a great while ago, a long time ago.

Question. Within the last two years?

Answer. I think it was about the first of 1868.

Question. Was he not whipped by men in disguise?

Answer. No, sir; not at all.

Question. What was that case?

Answer. He was struck in the head, right in the middle of the street, in broad day, open day time.

Question. Was he compelled to leave the county and the State?

Answer. Not compelled, but he did leave.

Question. What was the cause of the attack on him?

Answer. I do not know; I cannot tell you.

Question. Was he teaching colored school at the time?

Answer. Yes, sir.

Question. Was there any other cause than that for it?

Answer. Yes, sir; I think I know the immediate cause of the difficulty. He had been buying some wood from the young man who struck him, young Pettigrew, and he would not pay him for it; Pettigrew told him if he did not pay him for it he would whip him; and I think he whipped him because he would not pay him for his wood.

Question. It is your impression that that was the origin of the difficulty?

Answer. Yes, sir; that is what I have heard, and I am satisfied that was the origin of it. Some young men were taken up and punished and sent to the Dry Tortugas for a riot; they were pardoned afterwards, however.

Question. That was during the time the State was under military government?

Answer. Yes, sir; they were tried before a military commission.

Question. I understand you to say, then, that you do not believe there ever was an organization of Ku-Klux?

Answer. There never was in my section of the State that I know of; I do not think so. I think that young men have sometimes committed outrages, but they have grown out of immediate circumstances around them; they did it without any general organization, and with reference to particular offenses and particular excitements; that is my impression.

Question. How do you account for their riding in disguise and having the same disguises in different parts of the country?

Answer. I do not know that they do; I never saw a disguised man in all my life.

Question. Never saw any of them?

Answer. No, sir.

Question. Have you not had sufficient information from the public press to state whether they do ride disguised in the same way in different parts of the country?

Answer. I have information from the prints that they ride in disguise in different parts of the country; but I do not know that I have information that they ride in the same disguises.

Question. Have you any information on that subject so as to express an opinion whether they are of the same organization?

Answer. My opinion is that no such organization exists at all.

Question. Nowhere?

Answer. Nowhere in our State, and particularly in our section of the State.

Question. Have you ever heard their disguises described?

Answer. I do not think I have; I have sometimes heard of their riding with white gowns and sometimes black gowns; I have heard that as a matter of rumor.

Question. Did you hear how the men were disguised who rode into Eutaw and murdered Boyd at the Cleveland House?

Answer. Yes, sir; I have heard that they had different disguises. Some had hats of peculiar shape. As to the particular color of their masks, I do not know that I heard especially. Some had shorter and some had longer gowns.

Question. Some had high hats on their heads?

Answer. One of them.

Question. Any horns or such ornaments on their hats?

Answer. I think one of them was said to have something like that.

Question. Any masks on their faces so as to conceal them?

Answer. Yes, sir.

Question. With loose gowns over their persons?

Answer. Yes, sir.

Question. That was the way the disguise was described to you?

Answer. Yes, sir.

Question. Have you seen any description similar to that of Ku-Klux in different portions of the country?

Answer. I do not remember that I have seen any particular description of Ku-Klux disguise at all.

Question. Nowhere?

Answer. No, sir; I have seen the fact stated that men rode around in disguise; but as to the peculiar shape and style of their clothing, I do not think I have seen any description; if so, I do not remember it.

Question. Have you never asked this man Reynolds whether he was a member of the Ku-Klux organization?

Answer. No, sir; I never had anything to do with Reynolds; I do not know that I ever spoke to him half a dozen times in my life.

Question. Is it the impression there that he was a member of the organization, whatever it may be?

Answer. I do not know whether it is or not. The impression is that he is a very bad young man; that he is one we want to get rid of.

Question. Have you never heard that he was a member of the organization?

Answer. I do not know that I ever did.

Question. You never had any conversation with any one you suspected of belonging to this organization, whatever it may be?

Answer. I never had any conversation with any man in my life, that I know of, who could give me any information of this organization.

Question. Did you ever make the inquiry?

Answer. I suppose, like other citizens, I have inquired of people if they knew any Ku-Klux; had ever seen any; I suppose I have made those general inquiries like other people have.

Question. Have you never seen one who was charged with belonging to the organization?

Answer. I never have.

Question. You never talked with any one who was charged with belonging to the organization?

Answer. I never have; I have never seen any man charged with being a member of this organization, that I know of. There may be men whom I have talked to who may be charged by some people with belonging to it; but I do not know of anybody generally charged with belonging to the organization.

Question. Did you ever read any account of the proceedings in an investigation ordered by the governor at Paytona?

Answer. I have not; I have heard statements about it, but I have never read it. I think I have a paper at home which contains the account, but I never took time to read it.

Question. There is in that account the testimony of a witness who professed to have belonged to the organization?

Answer. I believe so.

Question. Did you ever read that article?

Answer. No, sir; I have only heard of that man's testimony.

Question. Notwithstanding that testimony, you still do not believe the organization ever existed in Alabama?

Answer. No, sir, I do not.

Question. Are causes tried in your circuit courts generally to the satisfaction of the people?

Answer. Yes, sir; they are tried as they always have been tried in our courts, under the same rules and in the same way, so far as I know. There have been some changes since the war as to the materials of the courts and juries, &c.; but so far as the administration of the law is concerned, it is conducted in about the same way that it always has been.

By Mr. POLAND:

Question. Where do the relatives of this man Brown live, the man whom Boyd killed some fifteen years ago?

Answer. Near Union, Greene County.

Question. How far from Eutaw?

Answer. About ten miles.

Question. In which direction?

Answer. North.

Question. Had he a large circle of relatives—a great many of them?

Answer. No, sir; I think not a great many.

Question. You do not know, from any thing you have ever heard, that Boyd claimed to have any evidence against them in connection with the death of Colvin?

Answer. No, sir; I do not know of my own knowledge; that was a mere matter of general supposition.

Question. You say that you understood that Boyd claimed and stated, so that it was known, that he had some information as to who the parties were who hung Colvin?

Answer. Yes, sir, I did.

Question. Was it generally known who it was that Boyd claimed to have evidence against?

Answer. No, sir; I have never known; it was not generally known; I suppose it is not known except, perhaps, to the one he told it to.

Question. Then there was no general information as to whom Boyd had evidence against?

Answer. No general information; no, sir.

Question. He merely let it be known that he had evidence against somebody?

Answer. Let it be known to two persons, so I understand.

Question. You do not understand that there was any general rumor in the community as to whom Boyd had evidence against?

Answer. No, sir.

Question. But your idea is that in consequence of his letting it be known that he claimed to have information against somebody, that it was that which led to his death?

Answer. That was generally believed.

Question. You say the grand jury reported to the court that so far as they could get any information about it, the persons who killed Boyd came from another county?

Answer. Yes, sir; that was their report.

Question. Do you believe that to be true?

Answer. At least that they traced them to another county.

Question. Do you believe that that band of men who killed Boyd did come from another county?

Answer. I have no reason to say that a grand jury, performing their duties, made a report of facts that were untrue.

Question. I am not asking this question with any view to impeach the action of the grand jury. But is it your own belief that the men who killed Boyd came from another county?

Answer. From the information which I have—and all I have is the report of the grand jury—I am compelled to accept their conclusion as the true state of the case.

Question. You say you took some pains to inquire into this matter, to ascertain yourself what the facts were?

Answer. Yes, sir; I made some inquiries about it.

Question. Is it your judgment, from all you could ascertain about it, that the men who killed Boyd did come from another county?

Answer. I never arrived at any particular result in my individual investigation; but looking at the report of the grand jury—they made a very searching examination; we had some of the best and most reliable men in our county upon the grand jury—I believe, from their statement, that their conclusion is the correct one.

Question. So that really your own opinion is that the men who killed Boyd came from another county?

Answer. My opinion, based upon the report of the grand jury, is that that was the fact; I have no reason to come to any other conclusion.

Question. What had any body of men up in Pickens County against Boyd?

Answer. I have no idea; I do not know.

Question. Could any body of men in Pickens County, to your knowledge, have had any ill-will against Boyd, growing out of this killing of Brown, fifteen years ago, or for any other reason?

Answer. Not that I know of; they may have had.

Question. You say you had something to do as counsel with defending the men charged with killing Snoddy?

Answer. Yes, sir.

Question. You had occasion to look into the case, to learn something about the death

of Colvin. Now, have you any reason to believe that any body of men up in Pickens County were the men who killed Snoddy, or killed Colvin, or had anything to do with it?

Answer. No, sir; the two negroes I defended killed Snoddy.

Question. If it be true that Boyd was killed by a number of men from Pickens County, what does the story about Brown and about Colvin have to do with it?

Answer. It has just this to do with it—do you mean with the killing of Boyd?

Question. If Boyd was killed by a body of men who came from Pickens County, what motive could they have had, growing out of the killing of Brown, a great many years ago, or the more recent killing of Colvin?

Answer. No connection in the world except the general impression, as I stated, that the killing of young Brown, years before, by Boyd, was supposed by the people, generally, to be the main cause that led to the death of Mr. Boyd?

Question. Had Brown any relatives up in Pickens County?

Answer. I do not know whether he had or not; I cannot tell.

Question. You never heard of any?

Answer. I never heard that he had or had not; I never heard anything on the subject.

Question. Well, all the relatives you know anything about that he has are in your county?

Answer. Yes, sir; all the relatives he has, that I know, live in Greene County

Question. In which direction is Pickens County from you?

Answer. North.

Question. How far is it from your town to the line of Pickens County?

Answer. I suppose about fifteen or sixteen miles; perhaps more: I do not know the exact distance.

Question. Have you ever made any calculation yourself as to how many persons have been killed by violence, by unlawful violence, within the last three years, in your county?

Answer. I presume I have heard of every death that has occurred there, but I have not kept such an account of them as would enable me to give you correctly, perhaps, the number of deaths that have occurred in that time.

Question. Have you such an idea about it that you can state, with any degree of definiteness, how many men have been killed in your county by unlawful violence within the last three years?

Answer. I will give the names of all that I now remember, if you wish that. Nelson Harris was the first one that I know of; then Samuel Snoddy, Henry Miller, Sam Colvin, James Carpenter, John Carpenter, Guilford Coleman, and Mr. Boyd; those are all that I can remember at this time.

Question. Has anybody ever been punished for killing any one of these men?

Answer. The person who killed John Carpenter has been indicted, and has been tried once, but there was a mistrial; the case is now pending. A brother of Mr. Carpenter was killed, it was supposed, for his money, but his murderer has never been found out. They were both very clever gentlemen and good men.

By Mr. BLAIR:

Question. Who was susposed to have killed Carpenter?

Answer. The one killed for his money?

Question. No, sir; the other.

Answer. The other was killed by a man named William T. Eatman. The other Carpenter was supposed to have been killed by a colored man, who has left the country—the one killed for his money.

By Mr. POLAND:

Question. Snoddy was supposed to have been killed for his money?

Answer. Yes, sir.

Question. It was understood that his body was rifled of some money that he had in his possession?

Answer. Yes, sir.

Question. Is this man who was indicted for killing one of the Carpenters the only person who has been indicted for any killing in your county?

Answer. I was thinking; the two negroes who killed Snoddy were indicted; and they are all that I now remember who have been prosecuted for these offenses. The others, however, have not been prosecuted for the reason that they have not been found out.

By Mr. BLAIR:

Question. There was a Mr. Miller, who formerly held the office of probate judge in your county?

Answer. Yes. sir.

Question. It seems he was obstructed in taking his office; do you know anything about the circumstances of that case?

Answer. Yes, sir; I think I know all about it. At the election in February, 1868, Mr. Miller was elected probate judge, at least he received a majority of the votes cast at that election in Greene County for probate judge. Judge Oliver, the incumbent of the probate office, contended that he was the legal occupant of the place, and desired to contest the matter legally as to whether Judge Miller or himself was the proper incumbent of that office. Judge Oliver came to advise with our firm, Morgan and Jolly, and we advised him that while we thought the law would authorize him to hold on to the place, yet we were satisfied he would be compelled to give it up. He contended, however, that he ought not to give it up, and he informed Judge Miller that he would not, unless he was put out of his office by legal means. He did not propose any violent resistance to Judge Miller taking possession of the office, but simply to test the matter in the courts, as to who was the proper incumbent of that office; at least that was the only advice we gave him, and I presume that was the advice he acted upon. A few days after Judge Oliver notified me of that, some Federal troops came down from Tuscaloosa, I think it was, or some other locality, and turned Judge Oliver out, and installed Judge Miller, giving possession of the place to Judge Miller. No resistance was made; it was done in that way. Judge Oliver held on to the place simply because he desired to have the matter legally decided as to whether Judge Miller or himself was the proper occupant of the office.

Question. Miller says that he was told by Morgan and Jolly that he never could get the office?

Answer. We never told him any such thing; at least I did not, and I am satisfied my partner did not.

Question. On the contrary, it was your opinion that he would get it?

Answer. It was our opinion, and we so informed Judge Oliver, that while his legal right was to hold on to the office, we were satisfied he would be compelled to yield it; that was our advice to him. No resistance whatever was made to Judge Miller taking possession of the office; he could have gone in without troops just as well as with troops, and taken possession of the books and papers of the office.

Question. Speaking of the killing of Carpenter by Eatman; what was supposed to be the ground of that homicide?

Answer. That was a personal difficulty between the parties; they were both democrats and neighbors; it grew out of some sale of corn, some difficulty between them as to the quantity of corn.

Question. There was a man spoken of by Judge Miller, a Mr. Palmer?

Answer. Yes, sir; I did not name him, for it escaped my memory; he was another person killed. There was a young man, a stranger in Eutaw, who had a difficulty with some other young man, and threw a brick-bat at him. It missed the young man, and struck Mr Palmer and killed him; Mr. Palmer was just coming out of the door, and the brick-bat struck him in the head and killed him. That was a personal difficulty; it had no reference to politics at all, but was a mere drunken spree or frolic, I suppose.

Question. Was that case examined judicially in any way?

Answer. A warrant was issued for the young man, but he fled; he was never overtaken, and never arrested.

Question. Judge Miller testified to his having been assaulted by some person there; do you know anything of that?

Answer. I only know from hearsay, for I was not at home on that occasion. This same man Reynolds assaulted him, it was stated, and I have been informed that it was on account of some statement that Judge Miller had made about Reynolds to a man by the name of Weaver. Reynolds attacked him in consequence of that statement to Weaver; it was so stated, and I think Judge Miller himself told me so.

Question. Miller says that he is afraid to go to Eutaw, on account of that assault and of threats that have been made against him; do you know of the fact of his having been there recently?

Answer. Yes, sir; he has been there once or twice during the present year. He is in business in Mobile, and occasionally goes up there on business. Judge Miller expresses himself very freely on any subject whenever he comes there. I have never seen him manifest any alarm, or excitement, or fright, when he has come there, and that is the only time I know of that he has been attacked in the town. I know of no reason why he should be alarmed, and I am satisfied from his conduct that he is not afraid to give free expression to his sentiments there.

Question. You say he expresses himself freely; does he do so offensively?

Answer. He is a very extreme partisan, and expresses himself excitedly, and to some people his manner is offensive, though it has never been offensive to me; it is more excited than offensive to me.

Question. Smith, who was the circuit clerk there, testified before the committee, and said, among other things, that at the riot which has been described here as the riot at

Eutaw, he saw you in the crowd, and heard you exclaim, "Go in, boys—now is your time!" That is, about the time the fighting commenced.

Answer. That is false, sir, and he knew it to be false when he stated it. He knows better than any man in the world that I never said so. He was close to me, and he knows my effort was to stop any difficulty; and he knows that I aided greatly in stopping that whole difficulty. He knew when he stated that that I never made that declaration; he knows it.

By Mr. STEVENSON:

Question. It is but fair to state that Smith says he did not see you, but heard a voice which he was satisfied was your voice.

Answer. He saw me, and he ought to have heard everything I said; he knows from seeing me and hearing me; he knows that I did not say it; he knows that I did not say it.

By Mr. BLAIR:

Question. But on the contrary, he knows that you tried to stop the difficulty?

Answer. Yes, sir; and that so far as that portion of the difficulty is concerned, I did stop it on the part of the white people.

Question. He also states that no persons have ever been convicted in Greene County for whipping, &c.

Answer. That is untrue.

Question. Do you know of persons who have been convicted there?

Answer. Yes, sir; I know of a number of instances in the courts of that county of persons I have myself got convicted—persons who have been convicted and fined for assaults and batteries, and whippings of negroes. I have two cases pending there for lynching. I do not remember the exact character of the cases. A number of parties have been convicted in the criminal court there for whippings and scourgings; I have defended some of them myself, and some of them I have prosecuted; they have been convicted, fined, and punished.

Question. He stated that the sheriff made no effort to arrest the parties who killed Boyd; how is that?

Answer. The sheriff made no effort that night, for the reason that it was so late at night that persons were all off at their different homes, and he could not get together a posse in time to make the arrest. He was alone when he went to the hotel, and of course he could not undertake to arrest them. And before he could have assembled a posse the men would have been gone, for they were there but a few minutes after the killing. He made no effort to arrest them without a posse, for it would have been folly to do so; and he had not time at that hour of the night to summon a posse; at least that is what the sheriff himself stated to me. He is a prompt and good officer, and discharges his duties faithfully. He said that from the fact that they left immediately, and persons were all at home and in their beds and asleep, he did not summon a posse and did not make any arrests.

Question. Could they have been arrested if it had been possible to have aroused the people in time?

Answer. Yes, sir; if it had been in the day-time they would have been arrested.

Question. The people discountenance these outrages?

Answer. Yes.

Question. How is it in regard to the jurors in your county; are the colored men willing to serve on juries and do they serve on juries?

Answer. Yes, sir; they serve willingly, so far as I know; I never have heard of any unwillingness on their part; indeed there is rather an anxiety and desire on their part to serve.

Question. And do they serve?

Answer. Yes, sir.

Question. Are all your juries mixed juries?

Answer. Yes, sir; that is generally the case; a pretty fair proportion of white and black.

Question. Did you ever hear of any colored man summoned to serve on a jury who refused to serve on account of intimidation or threats?

Answer. No, sir; no such excuse was ever made in the county in any court. I have been present at all the courts, and I have seen them serve; I have known them to be absent a few times, just as other jurors are, and in those cases forfeitures were taken. But as to rendering any excuse of that sort, no such excuse was ever made.

Question. Smith, the clerk, has resigned his office?

Answer. Yes, sir.

Question. He alleges that he did it on account of his being threatened and alarmed Do you know anything in regard to that?

Answer. No, sir; I never heard of Mr. Smith being threatened; I do not think I ever did. At all events he staid there a great while in perfect safety, and no effort

was ever made to hurt him. I have always had my doubts about his ever being threatened at all. I have never seen a man who did threaten him, and I never heard a man's name mentioned who threatened him at all. I do not believe he ever was threatened.

Question. What was the reason of his resigning, do you know?

Answer. In my judgment the reason for his resigning his office ——— a great deal was said at the time he went to Mobile and made a statement similar to that which you have given here in regard to him. There was a very general expression on the part of our people of discontent at that testimony, for they knew it was not true, those that were there; and their feelings towards him were not pleasant or kind at all. He was informed of that fact, and that it was in consequence of telling that which he knew to be untrue, which everybody in the town knew to be untrue. That fact was communicated to him, and he never came back. That was supposed to be the reason why he left, on account of the general obnoxiousness he was held in on the part of our people, in consequence of his perjuring himself.

Question. It appears that at the last election in your State the vote was increased. Do you know what was the cause of the general increase of the vote at the last election?

Answer. In my county we made very great efforts to achieve success for the democratic party. The negroes had become tired of their former leaders, expressed themselves so, quit them and openly voted for the democratic party, and desired to do so. Mr. Hays has been the leader of the negroes in that county, indeed in the district, ever since the war. He was before the war and during the war a very cruel master; and they disliked him for that, in the first place. Since the war he had hired numbers of them and has generally given them a promise to pay, and has never paid them anything. They were tired of him for that. And they got tired of their leaders generally because they were of that character and class of men which even negroes do not like to associate with; and they quitted that party and associated themselves with respectable people, and voted the democratic ticket.

Question. Is that the cause of Hays's unpopularity with the colored population?

Answer. Yes, sir; his false promises to them—his promise to pay them for their services and not doing it; that, in connection with his former cruelty to his slaves, which was well known and well understood by all the colored people.

Question. What is the comparative condition of the country before and since the last election? Give the difference, if there is any, in the relations of kindness and friendship that exist between the two races now.

Answer. The condition of the country is much better than before the election. The negroes are much more contented and happy; and the relations between the two races never were better in the world before. The utmost kindness and good-feeling exist on the part of both races toward each other. Indeed, the condition is very greatly improved in every respect.

Question. There has been testimony given before the committee to the effect that radicals, or republicans, cannot express their opinion safely in that county. What is the fact in regard to that matter?

Answer. I am satisfied they can; I think that is all a mistake. A trouble or two has occurred there, but it has grown out of excitement produced on the occasion by some man who was very obnoxious. But people have gone there and made speeches; republicans have made speeches there whenever they saw fit. John C. Keffer has made speeches there; and he is one of the most offensive men in the republican party in the State to our people; I think he made two speeches. Mr. Warner has made speeches there; Governor Parsons has made speeches there; numbers of republicans have made speeches there, and never have been interfered with. Mr. Hays, though, is not liked by our people at all. While I think he can go there to-day and make a speech without interruption, he is disliked to such an extent by all of us, by all of the people there, that we would rather he would not speak there. But, in my judgment, he or any other republican, or any man, can go there to-day and express his sentiments freely.

Question. It was stated that Hays declined to go to Mobile as a witness on account of threats. Do you know anything as to his real motive in not going?

Answer. I know the reasons he gave to me in a letter which I now have. He stated that the reason he did not go was that he did not desire any prosecution to be carried on against those gentlemen; he thought it was wrong, and he did not desire to appear as a witness against them, and would not; that he never intended to go there, because his judgment was that they ought not to be prosecuted. He wrote me that in a letter as the reason why he did not go. And since he came home from Washington, and since the court met in Mobile, he has told other parties that that was the reason—that he did not see any good to come of that prosecution, and never intended to aid in it.

Mr. STEVENSON. That was the general view which Mr. Hays expressed here.

Mr. BLAIR. Smith said that Hays did not go because he had been threatened.

The WITNESS. Mr. Hays is at home now; he is not in any fear.

By Mr. BLAIR:

Question. Is Mr. Cockrell at home?

Answer. Yes, sir.
Question. Was he severely injured?
Answer. I think he was confined to his room for a day or two.
Question. Was anybody engaged in the attack upon him except the two persons you have named?
Answer. No, sir; not that I have heard of.
Question. Both of them have left?
Answer. One lives in Perry County; I do not know what has become of him. Reynolds, who has been temporarily living in our county, has left the State. He was indicted for that, and in this other case besides; and, very much to the gratification of us all, he left.

By Mr. BECK:

Question. Do you know any person in your region of country who has been killed or whipped because of his political opinions, or the expression of them?
Answer. No, sir; I do not think that any man has ever been killed in Greene County for the expression of his political sentiments.

By Mr. BLAIR:

Question. Or whipped?
Answer. Or whipped for his political sentiments.

By Mr. BECK:

Question. In your opinion, can any man who behaves himself reasonably well express any political sentiments he may entertain anywhere without molestation?
Answer. I have no doubt of it in the world.
Question. Why did you locate your meeting at the particular point in the court-house yard on the day the republican meeting was also held at Eutaw, if you did not want the two meetings held together? Was your meeting organized first?
Answer. Yes, sir; about a half or perhaps three-quarters of an hour first.
Question. Was there any necessity for the other gentlemen to have located their meeting so close to you, or were there any other places in the town where they could have held it equally well?
Answer. There were plenty of other places, and we had been informed that their meeting would be held about a quarter of a mile distant from the court-house, at the depot.

By Mr. STEVENSON:

Question. Who told you so?
Answer. It was rumor, not positive information.

By Mr. BECK:

Question. Was their meeting organized with full information of where your meeting was going on?
Answer. Yes, sir.
Question. When you organized your meeting, did you know where they were going to hold theirs?
Answer. No, sir; I did not.
Question. The question of proximity of the two meetings depended upon their action, not upon yours?
Answer. Entirely upon theirs.

By Mr. COBURN:

Question. Which party first gave notice of their meeting?
Answer. My understanding is that the republican party first put up their posters and gave the notice in the paper of their meeting.
Question. Where were public meetings generally held in that town?
Answer. There about the court-house and in the court-house square.

By Mr. BECK:

Question. Was the report of the grand jury, in regard to the men who killed Boyd, that they lived in Pickens County, or that they went in that direction?
Answer. I stated awhile ago that the grand jury reported that they were traced to that county; they did not state whether they lived there or not.
Question. They did not undertake to say where they lived?
Answer. No, sir.
Question. They said they were traced to that county?
Answer. Yes, sir.
Question. I would ask you your judgment, from your experience of men, whether, if a body of men who lived in Union had disguised themselves for the purpose of concealment—had endeavored to take the necessary steps to continue that concealment—is

it likely they would have ridden directly to their own doors, from the place of a murder committed by them? Is that the way men would ordinarily act?

Answer. It does not look reasonable.

By Mr. STEVENSON:

Question. Is it likely that they would ride toward their own doors?

Answer. I do not think they would.

Question. Well, would they not, in order to get to Pickens County, have to ride toward their own doors?

Answer. In going to Pickens County, the direct road is through the town of Union, where the friends of these parties lived.

By Mr. BECK:

Question. They could go that road on their horses and get to Pickens County?

Answer. Yes, sir.

Question. Whoever they were, they were traced past the town of Union to the line of the county of Pickens?

Answer. Yes, sir; across the bridge into Pickens County.

Question. Was it reported to you that Mr. Boyd, in naming the men to the one or two friends to whom he had spoken of the matter, had implicated some of the connections of Brown?

Answer. That has been a matter of rumor—that part of it.

Question. Has that been reported to you?

Answer. Yes, sir; and the general impression of the community has been uniform that he was killed for that reason.

By the CHAIRMAN:

Question. Can you give us the names of those friends of Brown, so reported to have been implicated by Boyd?

Answer. I have said that I do not know; it was merely stated that he had given the names of the parties to one or two friends; no names were ever given to me.

By Mr. BECK:

Question. But at the same time that the names were given to you it was also told to you that the persons whose names he had given to those friends of his were relatives of Brown?

Answer. That was supposed, more than stated; I do not know that it was ever stated positively, but it was supposed that they were the names given. Whether the intimations were given out by the persons whom he told or others, I do not know; I suppose they were. And upon that intimation, from whatever source it came, the general impression of the community was that that was what led to his death.

Question. Was there a very bad state of feeling existing on the part of the relatives of Brown against Boyd after he returned?

Answer. Yes, sir, always after the death of young Brown, up to the day of Boyd's death.

Question. Did any one suppose that Boyd's politics caused his death, either directly or indirectly?

Answer. No, sir, no one. Boyd was not a noisy man, and never made public speeches; never expressed himself very often. His political opinions were very little canvassed, very little thought of. We are all satisfied that they had nothing to do with his death. There were men there much more obnoxious than he, who have lived through it all. Judge Miller had expressed himself very loudly and very often there, up to the time of Mr. Boyd's death. Mr. Hays has also expressed himself very freely. Mr. McIntosh, the State senator, has expressed himself very freely; and the representative to the legislature has expressed himself very freely. They have all lived through it—not been hurt. Mr. Boyd was much less noisy in his politics than any of those men, yet he was killed. And from these facts we are all perfectly satisfied that politics did not enter into his killing at all.

Question. You have stated to General Blair that the unpopularity of Mr. Hays had much to do with the falling off of the negro vote.

Answer. A great deal.

Question. I desire to ask this further question: whether or not promises had been made to negroes of lands and mules and other things, if they would vote the republican ticket, and if they have not also been told that they would be put back into slavery if they voted the other ticket; and whether the failure to keep those promises to them had not much to do with their distrust of the republican party in the last election?

Answer. Yes, sir; those statements were made, and in my judgment that has had a great deal to do with the fact of their abandoning that party and uniting with the democratic party. The argument that they would be put back into slavery if they did not vote for the republican party, was pretty generally and extensively used down

there; that was the strong point of republican speakers and wire-pullers; and the negroes for a long time were persuaded that it was true; they thought it was true. Indeed, I myself had a servant to whom I frequently talked, and in whom I had great faith; he stated to me that the reason why he and a number of others did not vote with our people there was, that they were assured that they would be killed if they did, and that their wives and children would be put back again into slavery; and he said that whenever they could be convinced that that was not true, they would unite with and support the white people. And the most intelligent colored people in the county have done so.

Question. They have also had promised property to them if they voted the other side?

Answer. O, yes; it was generally understood that they would get forty acres and a mule.

Question. That was their general understanding?

Answer. Yes, sir; but there never has been any mule, or land either, given into their hands.

Question. And you think the failure to get what was promised them has had a great deal to do with it?

Answer. Yes, sir, a great deal to do with it; they have lost faith in the promises of their former leaders.

Question. Do you know whether, in your part of Alabama, negroes who have proposed to vote the democratic ticket have been threatened or maltreated by negroes and others belonging to loyal leagues, because they offered to do so?

Answer. Yes, sir; it is a matter of very frequent, every-day occurrence in that district.

Question. Has it been safe for a negro to avow a disposition to vote the democratic ticket among a crowd of his own color?

Answer. They have always thought it very unsafe to do so, and some of them have been whipped for voting the democratic ticket.

Question. Has there been as much intimidation practiced upon any other class of men as has been practiced upon democratic negroes by republican negroes?

Answer. No, sir.

Question. That has been the greatest intimidation exercised in your State, upon the negroes who desired to vote with the democratic party?

Answer. That has been the intimidation; that is what it was aimed at in a great measure.

By Mr. BLAIR:

Question. Do you know of any organization for that purpose?

Answer. It has generally been operated through the Union leagues, so it is supposed. I do not know anything about the Union League, except that it is supposed that such organizations have existed, and that the negro people had been very severely disciplined and controlled by that means.

By Mr. VAN TRUMP:

Question. Has it been understood that they have been sworn in those associations?

Answer. They all say they have been sworn; the negroes all say so.

By Mr. BECK:

Question. You have given your opinion in regard to the action of men in disguise; I want to ask you this question: whether or not men who have committed outrages in disguise have adopted the disguise as an additional means of preventing their personal detection for the particular crime, and not as part of any organization systematically carried on between them and others not connected with the particular crime?

Answer. That has always been my belief, my view of it; that they disguised themselves to prevent detection in the commission of the immediate offense, without any relation or connection with any general organization. Indeed, I will again state, as I have stated heretofore, that I am well acquainted throughout that district; there are few people there but what I know; and I am perfectly satisfied that no such organization exists in the county, or in the district.

Question. Do you or not believe the fact that disguised persons in other parts of the State, or in other States, have escaped detection because of their disguise, has perhaps induced men who had private grudges of their own to assume those disguises for the individual act; instead of having any organization, they have assumed the disguises because of the additional security they had found it had given in other cases?

Answer. Very likely, the precedent having been set, that has been the cause of their assuming that sort of disguise.

Question. Without any sort of connection with the others from whom they perhaps borrowed that form of disguise?

Answer. I think so.

Question. That is, you think, the extent to which Ku-Kluxism, or whatever name it is known by, has prevailed in Alabama?

Answer. Yes, sir; that is the extent of any organization of that description I know of.

Question. What is the general state of feeling among the law-abiding men of your community in regard to the outrages committed in that way?

Answer. They are very much opposed to it; very much opposed to it indeed; all of our best people—and we have but very few of a lawless disposition or character—all are opposed to violations of law, or lawlessness of any description.

Question. Do you believe that to-day they would aid the courts and the juries in punishing any person who in disguise committed an outrage upon any man, white or black?

Answer. Unquestionably, yes, sir.

Question. It is only those who are so disguised, and so manage as to be protected, either by their disguise or cover of the night, who evade the law; if a man was brought up for that, he would certainly be punished?

Answer. That is all.

Question. And, as I understand you to say, that feeling is strengthening all the time?

Answer. Yes, sir; the feeling against lawlessness and violence of every description is universally entertained by all our people. The universal desire is to see the laws enforced, and to do all in their power to assist in preventing lawlessness and violence.

Question. Do you believe that any interference by the Federal Government, through its military authorities, would aid in any way in the preservation or protection of life, liberty, and property in the State of Alabama; or can it be better managed through your own State authorities and civil tribunals?

Answer. I do not think the United States troops are needed at all. I am satisfied that we have the ability to enforce the law and protect life, and liberty, and property in our own courts and under our own laws.

Question. And the disposition to do so?

Answer. Yes, sir.

By Mr. STEVENSON:

Question. If you have both the ability and disposition, why do you not do it?

Answer. I think we do.

By Mr. VAN TRUMP:

Question. I think we have some testimony upon a point in regard to which you have not very distinctly stated your information to us—in regard to the relative numbers of the two political meetings held in Eutaw in October last.

Answer. I suppose that the democratic party numbered from two to three hundred persons; at the republican meeting there were from one thousand to twelve hundred; I suppose that would be about a proper estimate.

Question. Were the democrats pretty generally aware, or did not some of them at least know, that the republican committee had called into their counsel General Crawford, of the Federal army, in command of the troops stationed there that day?

Answer. We did not know it until we saw General Crawford there that morning; we did not know he was expected there at all.

Question. You knew there was a military force there?

Answer. Yes, sir.

Question. How near there?

Answer. About a quarter of a mile from the court-house.

Question. Did you know that, during the progress of the meetings, a squad of troops were detached from the main force, and stationed near the town?

Answer. Yes, sir; I think they were brought down toward the court-house, about half way from the quarters they occupied.

Question. So far as you could observe, did the negroes seem to be quite as well armed as the whites?

Answer. Yes, sir; they were armed; I saw numbers of them with pistols, and I saw them shoot frequently.

Question. What is your opinion in regard to an investigation like this into the social and political condition of so wide-spread a people as the Southern people, and the difficulty we have here of knowing any of the facts, as well as the expense of getting the witnesses here; what is your opinion as to the best mode of investigating this matter, whether here in this room, or by committees sent South to the different localities?

Answer. I think a committee sent South, right to the spot where the disturbance is said to have happened, is the best way to get at the truth of the case.

Question. The Southern people are perfectly willing that a full investigation should be had there?

Answer. They are not only willing, but anxious.

By Mr. STEVENSON:

Question. Do you think we could ascertain who killed Boyd, if we went to Eutaw?

Answer. I do not know whether you could or not; I think it very doubtful. A thorough investigation of the matter has been made by the grand jury, who I apprehend discharged their duty.

Question. Do you suppose we could ascertain who killed the old negro man?

Answer. I do not know; you might do so; investigations frequently develop facts.

Question. Has there been no investigation of that case?

Answer. There was a coroner's inquest held there, I think; that is about all the investigation I know of.

Question. Was the matter investigated before the grand jury?

Answer. The matter was investigated by the grand jury, but no result was reached at all; the grand jury summoned a number of witnesses, not only in that case, but in others.

Question. They have never ascertained who murdered the old colored man?

Answer. There has been no result yet, as we understand.

Question. You say that Governor Parsons and General Warner spoke in Eutaw?

Answer. When; on the 25th of October?

Question. Yes.

Answer. They spoke there then.

Question. That did not result in very great harmony, did it?

Answer. Their speeches?

Question. The meeting.

Answer. It resulted just as has been described; it did not end pleasantly.

Question. You spoke of one other gentleman who made speeches there?

Answer. Yes, sir; Mr. Keller.

Question. When was that?

Answer. In 1868.

Question. Was it in the day-time or at night?

Answer. It was in the day-time.

Question. Was it at a county meeting or a local meeting?

Answer. A general meeting, and I suppose that the negroes numbered about the same that they did at the meeting in October.

Question. At what time in 1868?

Answer. I do not remember the exact time.

Question. At which election?

Answer. I think the presidential election.

Question. Are you sure it was the presidential election, and not the constitutional election?

Answer. Perhaps it was the election on the constitution; I will not be positive about that.

Question. Those are the only republican speakers you now remember who have spoken in Eutaw?

Answer. Local speakers have spoken there; Cockrell and Brown have spoken there frequently; they live in town.

Question. At neighborhood meetings?

Answer. Yes, sir.

Question. I refer to general county meetings.

Answer. They have frequently spoken in the county.

Question. When?

Answer. During 1868, 1869, and 1870.

Question. Do you mean to say that the republicans held any other general meetings in Eutaw in 1870 except the one where the riot occurred?

Answer. I do not pretend to say so; I say that at general meetings during those years they have made speeches throughout the county. I think that was the only public meeting at Eutaw held by them during that year.

Question. Eutaw is the place for general county meetings?

Answer. They have had general county meetings at Hays's Mound, down near where Hays lives. It is there that they nominated their candidates for the legislature and the various offices in the county. They have had just as general meetings there as at Eutaw.

Question. They do not take their conventions and county meetings away from Eutaw, do they?

Answer. They have held them there and at Hays's Mound, too; they have held meetings and conferences at both places.

Question. In regard to the promise of land and mules to the negroes; what republican leader ever made such promises?

Answer. I never heard one make it in my life.

Question. What knowledge have you that such promises ever were made?

Answer. General rumor and the statements of negroes.

Question. Made to you?

Answer. Yes, sir; I have heard some of them say so.

Question. Has it not come rather through democratic channels as a joke?

Answer. I have heard it from negroes and through democratic channels; I have no question that it was a promise made.

Question. I want to get your information.

Answer. It has been through negroes; that is the information I rely upon. I have seen it stated in the democratic papers.

Question. As a matter of joke and taunt?

Answer. Not so much a joke in our section as you might suppose.

Question. What is it?

Answer. A very serious matter.

Question. A matter of abuse toward the republicans?

Answer. It has been a very great instrument in their canvasses throughout the State; the promise of land and mules, and also their assertion that the democratic party would put them back into slavery, and that they would be killed if they did not vote the republican ticket; all these things were used with powerful effect.

By Mr. POLAND:

Question. When did they first begin to hold out these promises?

Answer. Particularly in the presidential campaign, and generally in State elections since that time, and before that, too, I think, in the constitutional election.

By Mr. STEVENSON:

Question. Did you ever hear any republican speaker hold out any such inducements make any such promise?

Answer. I never did in my life.

Question. Did you ever hear that any leading republican had done so?

Answer. Yes, sir; I have heard negroes say that republicans had told them so

Question. That who had told them so?

Answer. That Major Hays told them so.

Question. What negro?

Answer. A negro by the name of Jack Jolly, who belonged to me, said so.

Question. What did he say?

Answer. Just that; that he was afraid to vote our ticket, for the reason that he had been told he would be killed if he did, and that his wife and children would be put back into slavery.

Question. What did he say about the promises?

Answer. That he would have forty acres of land and a mule.

Question. Did he say that Hays had made such a promise?

Answer. I have no doubt of it.

Question. When did he say so?

Answer. Who?

Question. Your negro.

Answer. During the presidential canvass, inside my own room.

Question. Were you laboring with him to get him to vote the democratic ticket?

Answer. I was talking with him upon the subject, as I suppose every American citizen has a right to do.

Question. Undoubtedly. These are the reasons he gave for not acceding to your wishes?

Answer. These are the reasons.

Question. You say you do not believe the Ku-Klux have ever existed in Alabama?

Answer. I do not.

Question. Did you ever hear of their appearance at Huntsville, Alabama?

Answer. I do not remember that I ever did.

Question. Did you not hear of their grand parade there in the fall of 1868, about the time of the presidential election?

Answer. I do not remember; I may have heard it; if I did, I do not remember.

Question. You have no recollection of having heard it?

Answer. I have not.

Question. Did you hear of their hanging some negroes in Tuscumbia on a bridge there?

Answer. I have heard that negroes were hung in Tuscumbia.

Question. By a band of disguised men?

Answer. I think I heard that they were hung by disguised men.

Question. Where is Tuscumbia?

Answer. In the northern part of the State?

Question. In the northwestern part of the State, near the Mississippi and Tennessee line?

Answer. Yes, sir.

Question. Have you heard of the investigation in Calhoun County, in which it was shown that Ku-Klux operations had prevailed for several years prior to 1870, and in portions of that year, in Calhoun and Cherokee Counties?

Answer. The investigation at the town of Paytona?

Question. Yes.

Answer. I have heard of that investigation.

Question. Did you hear that that fact appeared in the investigation?

Answer. I heard that there was a statement by a person who said that he belonged to that organization.

Question. Did you not hear that it was proven that these Ku-Klux operations in that region extended over that time?

Answer. I heard that this witness stated that he had belonged to the organization, and that it had existed during those years.

Question. Did you not hear that other witnesses were examined and proved the same fact?

Answer. No, sir; I heard that this one witness did.

Question. This one witness swore that he belonged to the organization. Did not other witnesses testify to the existence of the organization?

Answer. I have never read the proceedings in the case.

Question. Were you not satisfied in your own mind, from the information you got from that investigation, that there had been Ku-Klux operations in that region?

Answer. I drew the inference from that examination that bands of disguised men had committed offenses.

Question. In the form of Ku-Klux?

Answer. I do not know in what form; disguised men. I do not know what the form of Ku-Klux is; I am satisfied that disguised men have committed offenses there.

Question. Operating somewhat in the manner of Ku-Klux?

Answer. They operated with disguises, so far as I know from that investigation.

Question. Was it not your opinion that that is the way Ku-Klux operated?

Answer. That is the statement made by the papers. And persons who commit offenses at night in disguise are generally called Ku-Klux.

Question. You do not believe there are any such thing as Ku-Klux anywhere, or have been such at any time?

Answer. I have stated that I do not know of any such organization in our section of country, and I do not believe there is.

Question. Or anywhere else?

Answer. I do not know; I state that.

Question. What is your opinion?

Answer. I have no opinion on that subject.

Question. You could not form an opinion as to whether Ku-Klux have existed in any State?

Answer. I am satisfied from what I have seen in the papers, and from rumors which I have heard, that bands of disguised men have committed offenses in various parts of the country.

Question. I am speaking of the organization of the Ku-Klux?

Answer. I say I know nothing of the organization of the Ku-Klux in my section or anywhere else.

Question. My question is, whether it is or is not your opinion that there is anywhere, or has been anywhere, since the war, in any of the Southern States, any such organization as the Ku-Klux as an organization?

Answer. I have no information that would enable me to give a correct opinion upon the subject, so far as the Southern States generally are concerned. Only from newspaper reports would I know anything.

Question. Is there any association of planters in your county, or in any adjoining county that you know of?

Answer. There is an agricultural association in our county.

Question. In what form?

Answer. In the ordinary form of agricultural associations; it has its president, its vice presidents, secretaries, committees, fair ground, &c.

Question. Is there any other association of planters?

Answer. None that I know of; I think not.

Question. Have you ever heard of any other association of planters?

Answer. I do not know of any at all in my county.

Question. Have you heard of any association or effort on the part of planters to regulate labor?

Answer. To regulate labor?

Question. Yes.

Answer. No, sir; I have not; none at all.

Question. Or to regulate in any way, or to affect in any way, the relations between the colored tenantry and the owners of land?

Answer. It has by common consent among our planters been desired and acted upon that they should have uniform rates of wages for laborers, for it is greatly desired, when a person employs hands by the year, that his neighbors shall not induce them to leave his service during that time; and I think our people have generally conformed to that.

Question. How did they reach that rule?

Answer. By common consent; I do not know that I have heard of a meeting for the purpose.

Question. You have never heard of any meeting for that purpose?

Answer. I think none has ever been held for that purpose; I have never heard of any.

Question. What is the form of the democratic organization in the county?

Answer. We have what we call a democratic council for the county, and then beat clubs in the various precincts. The democratic council is supposed to be the head of the democratic party in the county, the regular democratic organization that exists throughout the country.

Question. You have a council, as you call it, for the county?

Answer. Democratic council; yes, sir.

Question. Then there are sub-councils for the different beats?

Answer. We call them beat clubs.

Question. When was this organization formed?

Answer. It has always been our form in Greene County ever since the war, and before the war, I think. We have a democratic executive committee or council, a president of the council, who receives public documents and distributes them in various parts of the county, for the purpose of influencing elections, as all political parties do. It has existed there ever since I have taken any notice of politics.

Question. How long is that? What is your age?

Answer. I am thirty-three years old.

Question. Were you there during the war?

Answer. I had my home there; my family was there; I was in the army myself.

Question. Were you in the rebel army?

Answer. I was in the confederate army.

Question. As colouel?

Answer. Yes, sir.

Question. Were you never in politics before the war?

Answer. Very little.

Question. When was your first knowledge of this organization of the party?

Answer. Especially during the presidential campaign.

Question. The last presidential campaign?

Answer. Yes, sir, or the election for the constitution; we were organized then not to vote at all, and we did not vote. But in the presidential election we organized in this way, and our people voted.

Question. You organized in the presidential election fully throughout the county, and had these clubs all over the county?

Answer. Yes, sir.

Question. Is it not possible, barely possible, of course, that these Ku-Klux operations may have been committed by these clubs, by bad boys or bad young men who were using your club organization for that purpose?

Answer. I think that is a stigma upon the organization and the democratic party in our section of the country; I do not think they did it. There may be bad men in the organization.

Question. Nobody is attributing it to them; I asked if it is not barely possible?

Answer. I suppose it is barely within the range of possibility that some men claiming to be a democratic club may have committed these offenses.

Question. May they not have associated themselves together in clubs and committed these offenses?

Answer. No, sir; it never was done.

Question. Not to your knowledge?

Answer. It never was done at all. I have a pretty good knowledge of the operations of the democratic clubs in my county, and they never did any such thing.

Question. These things are done by somebody there?

Answer. What things?

Question. These operations by bands in disguise.

Answer. I suppose when these acts are committed they are committed by somebody; but I am satisfied that they never have been committed by any organization of the democratic party.

Question. You think they have not grown out of it in any way?

Answer. I think not; I am satisfied of it. The democratic party, through these clubs, have exerted themselves very hard to overthrow the republican party, and I am very glad to say to you that in my State we have succeeded in doing so.

Question. You have been exceedingly successful in Greene County?

Answer. Yes, sir; we have been quite successful there.

Question. In 1868 the republicans of Greene County had a majority of about 2,000 over you?

Answer. Yes, sir.

Question. And last year you carried the county?

Answer. Yes, sir. I want to state, in that connection, in regard to threats and intimidations, or anything of that description, if that is the intimation——

Question. I have not stated that at all.

Answer. The Federal troops were there; they were stationed at the boxes of that county, within full view of the polls, with their accouterments on and their arms stacked. The day passed off like a Sunday; there was no disturbance, no effort to prevent any one from voting, and voting went on quietly in full view of the Federal troops.

Question. When was that?

Answer. On the day of the election.

Question. What good does it do a man to be protected on the day of election, if he may be shot the night after the election by bands in disguise?

Answer. It would not do him a great deal of good.

By Mr. BLAIR:

Question. A great many of them did vote who were not killed?

Answer. Yes, sir; nobody has been killed for voting that I know of.

By Mr. STEVENSON:

Question. You do not know what they are killed for?

Answer. None have been killed in my county since that election.

Question. You have no need to kill any one for political purposes, if you have carried the county?

Answer. I suppose we would as soon kill after we had carried the county as before, if we killed them for politics.

Question. You say that violent and lawless men who killed on account of politics would be as likely to kill when they had won an election as when they had lost it?

Answer. I did not say anything about violent and lawless men; I say our people would be just as apt to do so after an election they had carried as after one they had lost. But I deny that we would do it at all.

Question. You say the relations between the races are very satisfactory now?

Answer. Yes, sir; I have never known our people to get along better than they are doing now?

Question. Are they more satisfactory in Greene County now than they were before the war?

Answer. No, sir; about the same.

By the CHAIRMAN:

Question. You mentioned something about Judge Oliver claiming the right to retain his place as against Judge Miller, who was elected at the election in 1868. By what tenure did Judge Oliver hold his office as probate judge? Had he been elected or appointed?

Answer. He was elected by the people to the office.

Question. At what time?

Answer. I think he was elected in 1865, or in the fall of 1864; it was in 1864 or 1865.

Question. Was he elected at the election pursuant to the proclamation of President Johnson?

Answer. I think so.

Question. Are you certain of that?

Answer. I am not certain.

Question. Do you know whether he was elected before the close of the war or after?

Answer. I cannot state positively, but my impression is that he was elected after the close of the war. He had been elected before the war; but I think he was again elected after the war. I may be mistaken about that; it may have been during the war.

Question. When Judge Miller was elected in pursuance of an election under the reconstruction act he claimed the office; and your firm gave to Mr. Oliver the opinion that he was entitled to continue to hold the office, though you did not believe he would be permitted to hold it. Now, upon what ground did you give that opinion?

Answer. Our ground was this, that according to law a majority of the people of that State, in the election of 1868, must vote in order to carry the constitution which was then proposed to them. A majority of the people did not vote at that election, and we therefore held that the constitution was not adopted. At the same time that the vote was taken upon that constitution these various officers were elected, the probate judge among others. There having been, in our opinion, no election in accordance with the law, no constitu-

tion having been adopted, the officers who were voted for could not hold the positions to which they had been elected at that election; there was no election which in any sense could be considered a legal one, the constitution having been defeated. We therefore gave to Judge Oliver our opinion that as he was the incumbent of the office, the judge *de facto*, if not the judge *de jure*, he could, according to the law, hold over.

Question. That was the view you expressed to him, and in pursuance of that he claimed to hold the office?

Answer. Yes, sir; we told him at the same time, however, that we had no question of the fact that he would be compelled to give up his office.

Question. Is that the same view you have inculcated before your people in reference to the existing State government?

Answer. The present government?

Question. Yes.

Answer. No, sir; not at all. Our people are obedient to the law.

Question. I understand you are obeying it at present; but your view is that the people obey because they cannot help it?

Answer. No, sir; we advise our people to submit to the government as it existed. We have never believed that, according to law and fact, the present State government was properly and legally organized.

Question. You have inculcated that opinion?

Answer. No, sir; we inculcate the opinion of submission to it.

Question. You inculcated obedience. But you say that the government was not legally organized?

Answer. We did not inculcate any particular view on that subject; that is the general opinion of the bar.

Question. Judge Miller, then, did assume the office, and discharged the functions of judge of probate in the community?

Answer. Yes, sir.

Question. Until when?

Answer. I do not remember exactly; I think until the beginning of 1870.

Question. Was his successor elected, or did Judge Miller resign, and his successor was appointed?

Answer. His successor was appointed.

Question. How did Miller go out?

Answer. He resigned.

Question. On what ground?

Answer. He was appointed collector of the port of Mobile.

Question. He held the office until that appointment?

Answer. Yes, sir.

Question. Who was appointed in his place?

Answer. A. R. Davis.

Question. Is he the judge there now?

Answer. Yes, sir.

Question. Have any threats been made against him?

Answer. None that I have heard of.

Question. Where you in Eutaw on the day that Mr. Burton, who was a candidate for lieutenant governor, was assaulted there?

Answer. No, sir; that was the same day that Judge Miller was assaulted; I was not there; I was attending court in an adjoining county.

Question. Has there been any trial of the person who committed that assault on Mr. Burton?

Answer. No, sir.

Question. Was he arrested?

Answer. I think he was arrested; I understood he was.

Question. Has there been any term of the court since then, and has there been any proceeding against him?

Answer. The court has met since that time, and the grand jury has assembled. The capias had not been issued when I left home; I do not know whether there is an indictment against him or not; I think there is.

Question. You made a remark in reference to Mr. Hays, that even the negroes were unwilling to associate with men like him, and were leaving the republican party and associating with decent people.

Answer. I did not say that Mr. Hays was not a decent man. But the white people who generally belong to that party there are of that class that the people desire to be separated from.

Question. Is that the mode in which the republican party is spoken of by gentlemen of the democratic party (I understand you are one of them) in the presence of their adherents there, and at public meetings; that it is composed entirely of men who are entitled to no respect?

Answer. Unquestionably the class of men ——

Question. I am not speaking of the fact, but whether you speak of them in that way.

Answer. If we speak of them at all we speak of them as men without character, as a general rule. It is generally true in our section of country that the class of persons who belong to the republican party—I allude to the leaders there and the white people generally who belong to that party down there—are of a low class of people, and not of the class of persons generally respected by our citizens.

Question. Do you not think that that mode of expression in public, before men of the class of this man Reynolds, for instance, is calculated to encourage violence against the republican party?

Answer. I think if a speaker understands his business he ought to make his speech so as to attack the principles of the party, and if he attempts to make use of any expression as an illustration, I think he has a right to do it.

Question. I am not discussing the right of speech; but the effect of that tone of speaking in reference to the whole party.

Answer. The effect has not been there to excite them against the republican party any more than was done by the fact of such a class of people having been engaged in carrying it on in our county. They could not be outraged and offended to any greater extent than by those facts.

Question. You have stated the fact that Hays is a decent, respectable man. Is there anything urged against him there as making him obnoxious except his connection with the republican party?

Answer. Yes, sir. While Mr. Hays has lived in respectable society, he is not considered a man who has a very great regard, a very high regard, for veracity. That is one thing. It is thought by our people that he has advised the negroes there to do things that were very wrong and very bad.

Question. That has arisen out of his political connection with the negroes?

Answer. He has used his political position, I have no doubt, to give them bad advice. All our people generally think he has given them very bad advice, and that much of the trouble that has come upon us, in the way of labor, has grown out of the advice Mr. Hays has given, and he has become very unpopular on that account.

Question. Is it not the fact that any white man associating himself with the republican party, and advocating their doctrines there, is spoken of in just the tone you used here in characterizing the republican party, before your attention was called to it?

Answer. We do not like them.

Question. And you take that mode of expressing your dislike?

Answer. We do not admire them; we think our own people who go into that matter go into it for office or plunder, or something of that sort, and we cannot have any great regard for them.

Question. You have never been a member of the Union League?

Answer. No, sir.

Question. You have no doubt of its existence?

Answer. From information, I think it existed. I did not have any knowledge of it at all.

Question. On what facts did you base your belief of its existence?

Answer. From general rumor and statements made by colored people that they belonged to Union Leagues.

Question. You have no doubt that it is a political organization?

Answer. I think so, from what they stated.

Question. What evidence have you to satisfy you that they ever countenanced any violence, as an organization?

Answer. Only one instance I know of that happened. I can give one instance; I have heard of them frequently.

Question. What was that instance?

Answer. There was a democratic colored man in the neighborhood of Clinton, Greene County, who, it was stated, was severely whipped by some of his colored friends because he voted the democratic ticket. I did not see it myself.

Question. Who told you that; the colored man?

Answer. No, sir; various persons told me; white people told me.

Question. You have it upon rumor that that was done?

Answer. Upon statements of other persons.

Question. Then, upon that one fact stated to you, which you believe, you draw the conclusion that the Union League, as an organization, countenanced violence?

Answer. I say I am satisfied they encouraged it frequently, and pretty generally prior to elections, for the purpose of keeping negroes in the ranks.

Question. Now, do you not consider the sworn testimony of this one man, who belonged to the Ku-Klux organization, as satisfactory evidence of the existence of an organization of that character, as the statements and rumors you have heard about the existence of the Union leagues?

Answer. The one statement of a man with regard to the Ku-Klux is not so general as

the statements and rumors I have been speaking of in regard to the Union League. If I believed that man's testimony, I would be satisfied there is a Ku-Klux organization. But from being well acquainted with my people, and in my section of the State——

Question. Do you believe his testimony?

Answer. So far as relates to my part of the State, I do not.

Question. Did you ever read it?

Answer. I have not.

Question. You say, then, that you do not believe it to be true?

Answer. I say that, so far as our section of the State is concerned, I do not believe such an organization has ever existed, or does now exist.

Question. Were you ever approached and asked to join any secret, political organization in the State of Alabama?

Answer. No, sir; I never was. I have opposed secret organizations of every description, except the Masonic order.

Question. Did you ever hear of any organization known as the White Brotherhood?

Answer. No, sir.

Question. Or the Invisible Empire?

Answer. No, sir.

Question. Or the Constitutional Union Guards?

Answer. No, sir; I never heard of that.

Question. Or the Knights of the White Camelia?

Answer. I have heard the name of the Knights of the White Camelia.

Question. Did any one ever speak to you on the subject?

Answer. No, sir.

Question. Where did you hear the name?

Answer. I think I have seen it in the newspapers.

Question. Was there such an organization as that in the southern part of the United States?

Answer. I have heard through newspapers that in Louisiana such an organization existed; I think it was an organization of that name.

Question. Did they ride in the same manner as what are called Ku-Klux are said to ride?

Answer. I do not know whether they did or not.

Question. You did not follow that out?

Answer. I only know that it was said such an organization did exist in the State of Louisiana.

Question. You have no knowledge of the existence of any secret, political organization whatever in the State of Alabama?

Answer. I have not.

Question. Were not the persons who composed the republican meeting in Eutaw, at least a majority of them, assembled in the court-house before you organized your meeting on the opposite side of the court-house?

Answer. I think a great many of them were about the court-house?

Question. Was not a majority of them there waiting for the organization of the meeting?

Answer. There were a great many there listening to our speakers while we were speaking. They were about town generally, and perhaps a number of them were in the court-house yard.

By Mr. COBURN:

Question. In regard to the shooting of a man of the name of Pierce ——

Answer. He was shot at.

Question. From what part of the crowd did that shot come?

Answer. Mr. Pierce was speaking to Governor Parsons who had been addressing the republican meeting; he was shot from the rear, from behind him.

Question. Was it while Parsons was speaking?

Answer. No, sir; just after he had concluded and about the time Hays had got upon the stand.

Question. How near was he to Mr. Parsons?

Answer. Two or three feet off, I suppose; I do not know the exact distance.

Question. Did you see the man who shot at him?

Answer. I saw the smoke of the pistol; I did not see the man.

Question. How close was he to where Pierce stood?

Answer. It was in front of the main entrance of the court-house; Mr. Pierce stood at the window of the office of the circuit clerk, perhaps some eight or ten feet from there.

Question. Was Mr. Pierce at the window, outside?

Answer. Right at the window, outside.

By Mr. STEVENSON:

Question. Was the man who shot close to the court-house, or out from it?

Answer. Perpaps the same distance from the court-house as from Mr. Pierce, eight or ten feet.

By Mr. VAN TRUMP:

Question. I wish to ask you whether or not prior to the war, when there were contests between the whig and democratic parties, there was not quite as much violence and disturbance at political meetings as there is now in Alabama?

Answer. Yes, sir; I have known meetings to be broken up before the war by excitements of that sort. I do not know that I have ever known any fighting or shooting grow out of the meetings; but I have known meetings to be broken up by these political excitements.

By Mr. BECK:

Question. In regard to Judge Smith's right to his office, was he elected in February, 1868?

Answer. Yes, sir.

Question. Some three months before Congress even recognized the constitution of Alabama as valid?

Answer. Yes, sir; I ought to have stated that additional fact; it was before Congress recognized the constitution of Alabama.

Question. Did or not even the Congress of the United States itself refuse to ratify that constitution, upon full proof being made that a majority of the registered votes had not been cast for and against it at that election?

Answer. I think it did.

Question. And Congress allowed you to remain under military government from February until June, until you were admitted by the passage of the omnibus bill?

Answer. Yes, sir.

Question. Was it or not in consequence of your having defeated the constitution, and the officers elected under it having fallen, in strict accordance with the reconstruction law, that you advised the incumbent that his position was good as against an outsider?

Answer. Yes, sir.

Question. Do you not remember the fact that even Mr. Stevens himself, the chairman of the Reconstruction Committee, or Judge Poland here, had the constitution of Alabama recommitted to that committee upon the ground that you had defeated it, and you so remained for three months?

Answer. I recollect it was so recommitted to the committee.

Question. Therefore, was it not the opinion of all you lawyers, as it was the opinion of the legal profession generally throughout the State, that that was the correct position?

Answer. Yes, sir.

By Mr. POLAND:

Question. When was it that Miller took possession of the office?

Answer. I think it was in June, 1868.

Question. Before or after the omnibus bill was passed?

Answer. I think it was before; I do not remember positively about it. The proposed contest by Judge Oliver, and the opinion which we gave him, were along between the election and the time when Judge Miller took his office. I do not remember the exact date of his taking possession of the office.

By Mr. BECK:

Question. Before the omnibus bill was passed?

Answer. Yes, sir; my recollection is that it was.

Question. You have been further asked whether or not your acquiescence in the constitution imposed upon you by the omnibus bill was not rather an acquiescence than a cordial consent. Has it not been the opinion of all the men of Alabama that that omnibus bill, by which the constitution was imposed upon you after you had defeated it—Congress itself having admitted that you had defeated it in strict accordance with the reconstruction laws—was it not regarded by you all as an outrage upon the part of Congress?

Answer. It has been; yes, sir.

Question. Have you heard anybody, republican or democrat, volunteer the opinion that Congress was warranted, even under its own reconstruction acts, in imposing a constitution upon Alabama after you had defeated it in strict accordance with their own orders?

Answer. I have never heard anybody say it was right.

Question. State whether or not the effect of imposing men upon you as officers, members of the legislature, county officers, &c., after they had been defeated at the polls by the refusal of the democratic party to vote or to run officers, was not to put in, in a great majority of cases, men unknown to you, and who had no interest with you, except to obtain office?

Answer. Yes, sir; mostly incompetent men.
Question. Is not that the class of men who have held office until the late election?
Answer. Yes, sir.
Question. Did not those men hold all the offices in very many of the counties, where, if a vote had been taken, democrats certainly would have been elected?
Answer. Yes, sir; I am satisfied that is the fact.
Question. And therefore the imposition upon you of that constitution, and of officers who were fairly defeated, who would not have been elected if the full vote had been cast, created a great deal of dissatisfaction and feeling against the action of Congress?
Answer. Yes, sir; a great deal of discontent and dissatisfaction.
Question. And you say that you never heard a republican say that that constitution was properly imposed upon you?
Answer. I never heard any one contend for one moment that it was properly imposed upon us.

By the CHAIRMAN:

Question. You claimed the right, by staying away from the polls, to prevent the organization of any State government, as long as the government was not what you wished?
Answer. We claimed the right to do so then, and we did so.
Question. You claimed the right to defeat any organization of a State govarnment?
Answer. We claimed the right to defeat that constitution by any legal means.

By Mr. VAN TRUMP:

Question. And you thought you saw the legal means to do so?
Answer. Yes, sir.

By Mr. STEVENSON:

Question. Do you believe you could have defeated it by going to the polls and voting?
Answer. I do not know how that would have been.
Question. Was not a larger vote given for it than has since been given for any ticket run by either party in Alabama?
Answer. I think there was.

By Mr. COBURN:

Question. Did I understand you rightly to say that the most intelligent negroes have gone over to the democratic party?
Answer. A large number of them have.
Question. How many?
Answer. I cannot tell, except from the vote that was cast in the last election. They seem to be about equally divided on the subject in our county—not so much as that perhaps, but a large number of negroes voted with us; I cannot tell exactly how many.
Question. You know that a large number of negroes voted the democratic ticket?
Answer. As a matter of course they must have done so, or the election could not have gone democratic in the county.
Question. How many have you heard say they voted the democratic ticket?
Answer. I do not remember the number; I have heard a great many say so.
Question. Do I understand you to say that this was occasioned by the distrust of the negroes of the republicans, on account of certain promises?
Answer. They lost faith in their leaders; I think that had something to do with it.
Question. Do you think the negroes believed those promises which you say were made to them?
Answer. I think many of them did for a great while; I do not think they do now.
Question. What negroes believed those tales?
Answer A large majority of them.
Question. Do you think the most intelligent negroes believed them?
Answer. Well, a short time after the organization of these leagues I am satisfied the negroes began to learn better and did not believe them.
Question. You are willing now to swear that a large majority of negroes turned over to the democratic party for that reason?
Answer. I am willing to swear that the county of Greene went democratic at the last election, and it could not have done so without a great number of negroes voting the democratic ticket. I am satisfied they voted that ticket, and am willing to swear that they did.
Question. Are the democrats there in favor of negro suffrage?
Answer. We consider that a settled question now.
Question. Do they tell the negroes they are in favor of negro suffrage?
Answer. They tell them that they have a right to vote.
Question. They know that without being told by the democrats.
Answer. Yes, sir; they have been informed of that some time ago.

Question. I want to know if you say it is severe discipline and terror that keeps the negroes in the republican party?

Answer. I think it did up to a year or two ago; I think their discipline is not so rigid now and the negroes are becoming more divided in their political views than they were.

Question. You think, then, that the negroes would naturally go with the democratic party, except for terror and intimidation?

Answer. I think if the negroes were let alone and left free to exercise their own choice and to act according to their interest and feeling they would act with the white people they have lived with; that is what I think. I think they have more confidence in them and more respect for them.

Question. You think the negroes have more confidence in the democrats than in the republicans?

Answer. More confidence in those persons with whom they have lived.

Question. Confidence in them as politicians?

Answer. I mean as men, and I think they are rapidly getting to have confidence in them politically.

Question. I would like to have another opinion from you. Do you believe the negroes have any idea that any of the democrats have organized as Ku-Klux for the purpose of intimidating them and to keep them from voting the republican ticket?

Answer. I think some of them have.

Question. How large a body of them?

Answer. I do not know; I cannot tell. I have never had a great deal of conversation with them on that subject. I think, though, they have some idea of the existence of such things.

Question. You think a few of them have?

Answer. I do not know how many; I think the negroes have an idea of that sort.

Question. A word or two about Major Hays. You say the democrats have a great contempt for Major Hays—men who have been in the rebellion; do they know that Major Hays has advocated general amnesty for them here on the floor of Congress?

Answer. They have understood so; they have heard that he did so during the last session of Congress.

Question. But still they entertain these feelings of bitter hostility toward him?

Answer. Yes, sir. Hays is perfectly safe at home; our people do not wish to hurt him; I mean to say that they have not a great deal of respect for him and confidence in him.

Question. I want to know if I understood you correctly as saying that they entertain bitter hostility toward Major Hays?

Answer. I do not think I said "bitter hostility;" they have a great contempt for him, I think. In other words, they consider him not a man of much capacity; a man who has floated to the surface by the mere force of circumstances, and a man in whom they have very little confidence, as a general thing. That is the way our people regard him.

Question. Is he not a respectable planter there?

Answer. He is a planter there: he used to be a large planter; but at this time I think he owns no property in his own name at all.

Question. Had he a respectable standing in the confederate army?

Answer. I do not know really that he had much standing of any sort in the confederate army; I never heard of Major Hays in the confederate army except about Eutaw; I never heard of his doing any fighting.

Question. Did he not lose his respectability in your community just about the time he joined the republican party?

Answer. He never had any very decided character in our community at all; he was of respectable parentage and moved in respectable circles; he was considered a respectable man; but his conduct in reference to the advice he has given to the negroes has been such that our people think he has brought about much trouble in the community, and for that reason he has lost their confidence and respect.

Question. Do the negroes generally go to him for advice?

Answer. They used to; they have quitted it to a great extent now.

Question. To whom do they go?

Answer. They take their own counsel to a great extent.

Question. Do they go to the democrats now?

Answer. Sometimes they do, and whenever they do they generally get good advice.

By Mr. STEVENSON:

Question. Did not Major Hays get his title of major in the rebel army?

Answer. I am satisfied that Major Hays never received a commission as major in the confederate army.

Question. What commission had he?

Answer. I do not think he had any. He was quartermaster in his brother-in-law's regiment; I do not think he ever remained there long. I think I have heard Major

Hays state himself that he never did receive a commission from the confederate government. I think that statement is contained in the application which he made to this Government for pardon.

Question. Do you not think that the Eutaw riot had some effect upon the election?

Answer. Yes, sir; I think it did.

Question. What effect?

Answer. To lose votes for the democratic party.

Question. You think, then, that the firing by democrats of volleys of pistols at a crowd of negroes, and the wounding of fifteen or twenty of them, would aid the republican party?

Answer. I think it embittered the minds of many colored people who were otherwise inclined to vote with the democratic party; I think it inclined them to hostility and bitterness against the democrats.

Question. Do you think it might not have made them afraid of the democrats?

Answer. Possibly it might have done so, I do not know; they went to the polls pretty generally and voted.

Question. There were three or four hundred who did not go to the polls, for there was a falling off in the aggregate vote of the county?

Answer. I do not know.

Question. There were several hundreds of votes less than in 1868?

Answer. I do not recollect how many.

Question. Whatever falling off there was, do you think it was traceable in any degree to that riot?

Answer. I do not think so.

Question. You think, then, the only effect of that riot was to injure the democratic party?

Answer. I think so. I have so stated to our people, and have spoken of it regretfully on that account.

Question. Suppose that instead of the democrats routing the negroes, the negroes had routed the democrats; suppose the riot had just reversed itself; what would have been the effect then?

Answer. It would have outraged the white people to a very great extent.

Question. What political effect would it have had?

Answer. I do not know that it would have changed a single vote any way; the white people would have voted together just as they did.

Question. How many pistols were fired?

Answer. A great number. I do not know how many.

Question. How many do you suppose?

Answer. I heard several shots, I could not state how many; I have no idea as to the number.

Question. How many pistols did you see there?

Answer. I saw numbers of persons have pistols.

Question. About how many?

Answer. Eight, or ten, or fifteen during the entire melée.

Question. Where were you at first?

Answer. I was in the circuit clerk's office in the court-house.

Question. Did you go outside?

Answer. I went back through the court-house and went out as far as the west opening of the court-house square with Governor Parsons on his way to the hotel.

Question. You did not see the main part of the riot?

Answer. I did not; in the first place I was in the clerk's office, and then I went out the other way, and came out at the west opening of the court-house square, to which point I went with Governor Parsons.

Question. You were not in as good a position to see the riot as Senator Warner, for instance?

Answer. He left there about the same time I did.

Question. He was outside of the window?

Answer. Yes, sir, and I was inside, and all I saw of it I saw through the window.

Question. And looking through the window, you saw ten or fifteen pistols fired?

Answer. I saw eight or ten.

Question. What were they, revolvers?

Answer. They seemed to be.

Question. Were they fired more than once?

Answer. I could not tell whether any one pistol was fired more than once or not.

Question. How many shots did you hear fired?

Answer. I suppose I heard twenty-five, or fifty, or sixty, or seventy, perhaps; I cannot give a definite idea about the number, for pistols were popping all around the house.

Question. They were popping from both corners of the court-house?

Answer. From that neighborhood, and from the negroes—all shooting generally.

Question. A sort of general engagement?
Answer. After the difficulty commenced, yes, sir.
Question. You think you may have heard as high as seventy shots?
Answer. I think so; I cannot tell.
Question. What effect had the first volley by the whites upon the negroes; what did they do?
Answer. They broke.
Question. They rushed over the fences—stampeded, as you call it?
Answer. Yes, sir, they stampeded for a short distance and then rallied.
Question. When they came to the soldiers they rallied?
Answer. There were no soldiers there.
Question. Were they not met by the soldiers?
Answer. The soldiers had not come over there from the place where they were stationed.
Question. The first effect of the firing was a stampede?
Answer. That was the first effect—the immediate effect.

WASHINGTON, D. C., *June* 21, 1871.

JOHN G. PIERCE sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?
Answer. In Eutaw, Greene County, Alabama.
Question. How long have you lived there?
Answer. Ever since it was a town; probably about twenty years. I was a boy there
Question. What is your occupation?
Answer. I am an attorney at law, a practicing lawyer, there.
Question. Do you practice in that county alone, or in the circuit?
Answer. I do not practice all through the circuit; I practice in Greene, Tuscaloosa, Pickens, Sumter, and sometimes in Marengo.
Question. From your observation and travel on the circuit, and your knowledge as a practicing lawyer, what can you say as to the execution of the laws in that portion of the State with which your practice may have made you familiar, and as to the security of life, person, and property there?
Answer. From what I know about it, (and I think I have enough opportunity, as good an opportunity as anybody else, of knowing the condition of that people,) the laws at this time in that circuit can be executed, and are being executed. There is no disposition in that circuit to evade the law in any way, to avoid bringing to trial culprits or to screen culprits in any way, that I know of.
Question. Can the civil rights of individuals be secured through the medium of civil suits in the courts?
Answer. Yes, sir; I think they can. Suits are brought there constantly in all that circuit. The courts are open; the judges and jurors all seem disposed to administer the law so far as they are able; and I think they are able to do it.
Question. Is there any obstacle in your courts, so far as you are aware, to the administration of justice against criminal offenders?
Answer. No, sir; none. Criminals are tried at every court—convicted or cleared at every court.
Question. In the part of the State with which you are acquainted are there any organizations, of which you have any knowledge, either to interfere with the rights of persons by violence, or to obstruct the administration of justice in any manner?
Answer. No, sir; none that I know of.
Question. Have you any knowledge of any organization existing in that State which has inflicted violence upon citizens?
Answer. No, sir; I have not. I know of no organization that is inflicting any violence on citizens.
Question. Were you in Eutaw at the time of the death of Mr. Boyd?
Answer. Yes, sir; I was.
Question. How was his death brought about?
Answer. Well, sir, I can only tell what I understood. Mr. Boyd was murdered on the public square, at the tavern. I live about half a mile from the public square. I saw him next morning. I went up town the next morning after, and he was laid out. I saw shot-holes in his forehead, and know from what I heard that he was killed by a band of disguised men.

By Mr. STEVENSON:

Question. Shot-holes or bullet-holes?

Answer. Bullet-holes. They had the appearance of being made by pistol-bullets or pistol-shot.

Question. How many were there?

Answer. Well, he was dressed and laid out when I saw him in the morning. I think in his forehead there was one large bullet-hole, about the middle or center of his forehead, and one a little higher up. I do not think there were but two, as I remember now. I understood there were several others through his body; but he was dressed, and I did not see them.

By the CHAIRMAN:

Question. When did you receive the first knowledge of his death?

Answer. I did not receive it until I got up town that morning. I was down town, and went up town; I do not recollect for what purpose; but I did not hear of it until the morning. It was on the 1st of April, and almost everybody thought it was an "April fool," and I thought that somebody was trying to "April-fool" me. I stayed in town some time before I went up to see him; but I concluded I would be willing to be "April-fooled" on that occasion, and run the risk of going up; so I did go up, and looked at him.

Question. Was the matter spoken of in such a jesting manner as to lead you to believe it was an "April-fool" story?

Answer. Not by those who really knew it; only by those who did not believe it. There are tricks like that played on the 1st day of April in every community, and we all supposed it was a trick. It was not spoken of in that way when the fact was really known.

Question. Did you ascertain whether that murder was committed by one individual, or by two, or a dozen? Did you ascertain the manner in which it was committed?

Answer. Well, I understood that the murder was committed by disguised men who came to town; some estimate them at from twelve to fifteen, some say twenty, and some say even more than that. About six or eight of them went into the house, which was a tavern, closed the door, made the clerk show them the way to his room, as I heard the clerk assert, and there they perpetrated the deed, and in that way. They got on their horses afterward when they came out, and made their escape. They left the town immediately, going in the direction, as report says, toward Union, in Greene County—most of them going in that direction.

Question. Had there been any knowledge or intimation in the town previous to that time of any intention against the life of Mr. Boyd?

Answer. None that I had heard of.

Question. None whatever?

Answer. I never heard of any. I know this about Mr. Boyd: that he was considered there a very disagreeable man. He was a man that it was disagreeable to have business with, and many considered him a murderer himself. He had killed a young man there by the name of Brown. He had been convicted of the crime and sentenced to the penitentiary for ten years, and his sentence was commuted to imprisonment for twelve months in the county jail. I know that he was overbearing; I know that he was an incompetent officer; and I know that he was a very offensive man in every way.

Question. When had he been convicted of killing that man?

Answer. That was before the war.

Question. How long before the war?

Answer. I think from three to five years before the war.

Question. Had he remained in that community after his release from prison?

Answer. No, sir; he left that community after he had been turned out of jail and went, as I understood, to Arkansas. He remained there until 1868, when he came back to our community, and occupied, by some means or other—I do not know how—the offices of county solicitor and register in chancery.

Question. Was he appointed or elected to those offices?

Answer. I do not recollect; it strikes me he was elected to the office of county solicitor.

Question. Do not county solicitors obtain their offices by election?

Answer. Yes, sir; they are elected under the new constitution.

By Mr. BLAIR:

Question. That was before the new constitution?

Answer. In 1868? I reckon not. I think they are elected. I do not know whether he was elected or appointed; I am not certain about that; but I know that he held both offices.

By the CHAIRMAN:

Question. What was his age at the time of his death?

Answer. He looked to me to be a man of about thirty-five or forty years of age, or somewhere about there.

Question. That would make him, then, about nineteen or twenty at the time of the commission of the offense which you speak of, which was three or four years before the war?

Answer. Yes, sir; he may have been older than that. He was a grown man when that offense was committed.

Question. Had he been admitted to the bar at the time of his conviction?

Answer. No, sir; I think not.

Question. Was he admitted after his return to Alabama?

Answer. I do not recollect when he ever was admitted to the bar. He occupied the office of solicitor in some way or other—got hold of it I don't know how.

Question. You say that these men who killed Boyd were reported to have ridden away toward Union; were they reported to be citizens of Greene County?

Answer. No, sir; they were not citizens of Greene County, so far as report goes. None of them could be found to be citizens of Greene County. The grand jury made a very searching investigation of the matter, and summoned everybody that they thought knew anything about it, and never could find out anything about it.

Question. Are your solicitors or prosecuting officers elected for one county or for the whole circuit?

Answer. I think for one county. I know that Mr. Boyd was acting for one county.

Question. Then the discharge of his official duties as solicitor would not bring him into contact with citizens of other counties?

Answer. No, sir.

Question. Then what connection had his murder with his disagreeable habits in conducting his business, if the persons who did it came from another county, in which he did not discharge the duties of solicitor?

Answer. I do not know where the persons who murdered him came from; I have no idea. I do not know by whom he was murdered; but I do not think that he was murdered by citizens of Greene County, from the fact that the grand jury made a searching investigation of that case, and could find no citizen of Greene County to be connected with it. As they rendered in their report they traced these parties to a place across Sipsy River; I believe the name of the place is Moore's Bridge, in Pickens County.

Question. Then you give it as your belief that the murder had no connection with the discharge of Mr. Boyd's official duties in Greene County?

Answer. No, sir; I do not give that as my belief. I say that I do not know what was the cause of his murder; that he was a very disagreeable man to transact business with. There was an old man murdered or hung up there some time before, and Mr. Boyd had made a good many threats about what he intended to do with the perpetrators of it, stating that he knew who they were; and, among other things of public notoriety there, he stated that he intended to keep the grand jury in session for six months, if necessary, till they found out the perpetrators of the crime. He had a hat hanging up in his room which he said was worn by one of the marauders on a certain occasion—I do not know whether on that occasion or not. He said he knew who it belonged to. He made use of these remarks publicly.

Question. Do you know whether he gave the name of the person to whom the hat belonged?

Answer. No, sir; I do not know that he gave the name.

Question. Have you ever heard the names of the persons connected with that transaction?

Answer. No, sir; I never have heard.

Question. Do you know from any reliable source the name of anybody connected with it?

Answer. No, sir; I do not know of a single soul connected with it. I know it was an act which was disapproved of by our community.

Question. Taking, then, the facts as you state them, that Mr. Boyd was a disagreeable man in the discharge of his duty and had made threats in regard to prosecutions for that offense, and taking also the fact which you state here as your belief, that his murder was not committed by citizens of Greene County, give us your own belief as to the cause of his murder in that manner by the citizens of another county?

Answer. Well, I do not know. My belief in regard to that is this: that on account of these various threats that he had made of what he intended to do with certain parties, and that he was cognizant of certain deeds that parties had done, I do not know but what that had something to do with his murder; but as to having any fixed opinion as to the cause of his murder, I cannot say that I have.

Question. If your belief is correct, that the persons who did murder him came from another county, is it not your belief that they belonged to an organization which responds in one county to the call of the members of that organization in another?

Answer. I have never said I believed they came from another county; I do not know where they came from.

Question. I understood you to say that you believed the murder was not committed by citizens of Greene County?

Answer. I do believe that. Nor do I know whether it was committed by citizens of the State of Alabama. I will state this further: That after the court was over in Greene County I went to Pickens to attend court. It was understood there that the grand jury of Greene County had traced these parties into Pickens County. I stayed with the foreman of the grand jury at the same house; saw him every day; and he told me that he had examined every person on the line or track of the route, so far as he could trace them through Pickens County, and that the last they could find of them they were going on somewhere toward either Tennessee or Arkansas. That was the report I had from him. I do not know whether to say they came from Pickens County or not. I am only telling the report of this grand jury.

Question. Whether they came from the county of Pickens or any other county of Alabama, or whether they came from the State of Tennessee or Arkansas, having come as you stated, in an organized body, do you not believe that they were members of an organization which would respond to the call of members of a similar organization in the county of Greene?

Answer. Well, sir, there is no organization of that sort in the county of Greene. I do not know that, but I have never heard of it, and I do not believe there is one such organization in our section of the country. There may be one at other places, but there is no organization of disguised men that I have ever heard of in the county of Greene or in that section of the country.

Question. I will put the question in another form. You have stated a fact which I understood you to give as tending to show that these people did not belong to the county of Greene. If, then, they belonged to a more remote county in the State, or even to a portion of Arkansas or Tennessee, is it your belief that they went there to murder Mr. Boyd, after having been informed by citizens of Greene County of the reasons why he should be murdered?

Answer. Well, sir, I do not know. My opinion about that is this: I have stated what and who Mr. Boyd was. I do not know whether there is any organization there. I have never seen one, or any member of one of them in my life.

Question. What is your belief about it?

Answer. My belief is that there is none in the section of country in which I live.

Question. How, then, do you account for the appearance of these men in Greene County, their going to a hotel, and murdering Boyd, if, as you state, they belonged neither to the county of Greene nor Pickens?

Answer. Well, I do not propose to account for that. I do not know how. It may be that some man that was connected with them may have lived in Greene County, and it may be that some man connected with it lived in Pickens or somewhere else.

Question. Have you any theory about it?

Answer. No, sir; I have no theory. These are extraordinary men. They appear at different places and at different times. I know of none, and I have seen none there, and I have missed no young men.

Question. At what hour of the night, according to your information, was this murder committed?

Answer. About 11 or 12 o'clock.

Question. At that season of the year—March—what is the usual hour in Eutaw for people to go to bed?

Answer. Well, sir, we have a town that is very much scattered, and the people all start home soon, and very few of the citizens ever come to town after night. It is very rarely that a house is open at that time of night, according to my experience.

Question. Was any effort made that night to arouse the citizens of the town and pursue the murderers?

Answer. None that I know of.

Question. Was any such effort made the next morning?

Answer. Not that I know of.

Question. Did your sheriff offer a reward for the apprehension of the murderers?

Answer. I never heard that he did. I have forgotten it if he did.

Question. How soon after his death was Mr. Boyd buried?

Answer. I think he was buried the day after.

Question. The next day after his death?

Answer. I think so.

Question. He was murdered at 11 o'clock at night and buried the next day?

Answer. I do not recollect. I did not go to the burial; and I do not recollect when he was buried. I think he was buried a short time afterward.

Question. Was any action taken by the bar upon his death?

Answer. No, sir; none at all.

Question. Did members of the bar attend his funeral?

Answer. I do not know, sir; I did not.

Question. Did any of them?

Answer. None that I know of.

Question. Was there not an impression that Mr. Boyd was murdered by the organization commonly known as the "Ku-Klux," whatever may be its real name? Was not that said at the time?

Answer. Oh, yes, sir; it was said very frequently, and it is the common impression that Mr. Boyd was killed by the Ku-Klux. That is engraved on his tombstone, "murdered by the Ku-Klux." It was put on there by Judge Miller, who had the tombstone erected which is now at the head of his grave.

Question. Is there any organization known by that name existing in the county to your knowledge?

Answer. No, sir; none that I know of.

Question. Is there in that county any organization which rides at night in disguise, let its name be what it may?

Answer. None that I have ever seen. I have never seen a man in disguise in our county, either on horseback or off. I will make this remark, that I live about half a mile from town, and stay at home pretty constantly, hardly ever going on the streets at night; I generally stay at home at night. I have never seen men in disguise in my life in our county.

Question. Have you no information upon which you can rely as to outrages having been committed in the county by men in disguise?

Answer. Yes, sir; I know of several persons there who think so. I know that they say that Boyd was killed by men in disguise.

Question. Have you any doubt of it?

Answer. No, sir; I have no doubt of it in the world. I believe it is so.

Question. Is there any other case in which you believe, as you do in the case of Boyd, that a murder was committed by men in disguise?

Answer. Yes, sir; I believe that old man Sam Colvin was hung by men in disguise.

Question. Any others?

Answer. None other that I know of. I defended old Sam for the crime that he committed.

Question. Those two you say you believe to have been murdered?

Answer. I believe that they were murdered, and that they were murdered by disguised men; I believe that from the information I get.

Question. Have any persons been whipped in your county by men in disguise?

Answer. None that I know of.

Question. Do you know of any convictions in the court of your county for the whipping of negroes by men in disguise? Have there been any such convictions in that county?

Answer. None that I know of where the parties were in disguise. I know of a number of prosecutions and convictions for whipping negroes.

Question. Cases of assault and battery?

Answer. Yes, sir. I know of no case where any man has been prosecuted or convicted for whipping a negro, in disguise. In fact I know of no man who has committed a deed in a disguise in my county who has ever been brought to justice.

Question. Mention has been made here of your presence at a meeting in Eutaw, where the riot or disturbance occurred in October last, and you have been subpenaed in consequence of your name having been connected with that proceeding. Give to the committee, as briefly and clearly as possible, your account of that occurrence. State in the first place the date of it.

Answer. The riot at Eutaw occurred in October last. I was present on that occasion, and saw what was going on, and know pretty much about it. I do not know exactly where to commence. I must commence, I suppose, at the commencement of the riot, or "rout," as it was called. General Warner had about finished his speech when I got to the place where he and Governor Parsons and Mr. Hays and others were to speak. I wanted to hear Governor Parsons speak. I knew that he had made several good democratic speeches, and I never had heard him speak since that time; and I had a curiosity to go round there and hear him speak. I went round. Just about the time that he finished his speech I walked up to him. I knew him, as I thought, very well, and I thought he knew me. I was in the legislature when he was provisional governor of Alabama. I approached him and told him there were several drunken men about there and that we desired there should be no disturbances; that he and Warner had made their speeches, and I thought it was nothing but due that if he had any control over Hays, who was very obnoxious to the people of that county, and had made himself so deservedly, he should not let him speak if he had any influence with him, or else break up the crowd and go home. He then turned around, without answering me at all, to speak to General Warner, and I presume upon that subject. Just about that time, as he turned around, Hays came upon the stand. I was standing with my back to him, and in front of Governor Parsons. Almost in half a second, as soon as Governor Parsons turned round to speak to General Warner, somebody fired a pistol. I do not know who it was, but was informed afterward who it was, and I was told it was a negro,

who had shot at me. I saw three witnesses who told me it was fired directly at me. My back was turned. The ball went through my pants. After that there was a general firing in the air by young men, and a general stampede among the negroes. I do not know what became of Hays or Governor Parsons or General Warner. They went off. I got up on the table after they went off. I thought it was all fun; I had no idea anybody was shooting at anybody. I got on the table, and laughed extravagantly at the way the negroes were flying and running about; they broke down the court-house palings jumping over. My office, from the position I was occupying, was right in front. The negroes rallied across the street, and fired back several pistols, right toward the court-house, and then they broke and ran down the street.

By Mr. BLAIR:

Question. You were not aware at that time that the ball had penetrated your pantaloons?

Answer. No, sir; I was not aware of it until I got across the street.

Question. What part of your pantaloons was pierced by the ball?

Answer. Just about the thigh, about four inches from the crotch; it entered the back part and went through.

By Mr. STEVENSON:

Question. Were you standing with Governor Parsons at that time?

Answer. Yes, sir; I had just finished telling him what I have told you. He had just stooped down or bent his head over for the purpose, as I supposed, of telling General Warner to prevent Hays from speaking.

Question. Was Warner right by him?

Answer. Yes, sir. Warner was right by him, sitting in a chair, leaning against the wall. Then the firing commenced. Hays fell or was knocked off the stand; I do not know how he got off.

By the CHAIRMAN:

Question. So far as your actual knowledge goes, you do not know who fired the first shot? You and General Warner and Governor Parsons were all standing together?

Answer. So far as my actual knowledge is concerned, I am satisfied, from the direction that the ball came, that it came from the negroes; it must have come from them; there were no white men in that direction. I do not think that a negro would have fired at Governor Parsons. That is the inference I drew at the time.

Question. Was there not a crowd of persons in the same vicinity?

Answer. Oh, yes; there were a great many around me. When I walked out there to speak to Governor Parsons I was surrounded by negroes; I was isolated almost from my own people.

Question. Were there any white men around the outskirts of the crowd?

Answer. Yes, sir; there were several white men on the right hand of me; none on the left that I saw.

Question. You say that Major Hays was obnoxious; was he obnoxious to his own party or to the opposite party?

Answer. Well, I do not think that Major Hays has got any party at all in Greene County now.

Question. I am speaking of political parties.

Answer. I say that I know that he was obnoxious to the democratic party there, and that embraces all the white men of Greene County except one or two.

Question. Did anybody at the meeting call for him to speak?

Answer. I never heard it. I believe I would have heard it if it had been said. I am satisfied that if anybody called for him it was for burlesque—I mean any white man. The negroes may have called for him.

Question. He had not spoken yet?

Answer. No, sir; he mounted the stand just as I went to speak to Governor Parsons; and before I could consummate what I intended to get Governor Parsons to help me do, this whole fuss commenced right there.

Question. Were you, or was anybody, aware of the fact that it was Mr. Hays's intention to excuse himself from speaking and adjourn the meeting?

Answer. No, sir; I did not know it, and I do not think anybody knew it. The first time I had any intimation of it was when I heard Mr. Hays say so last Monday. I met him on that day on his return from this place, and he then said that he never intended to speak on that occasion.

Question. So far as your information goes, was there any design on the part of any one there to create or cause a disturbance on that day?

Answer. Well, sir, I do not know that there was anything more done on that occasion than is usually done at elections, until that firing commenced. I asked Governor Parsons myself one or two questions; you may call that a disturbance. He had gone on with his speech for some time, and got to where he was attempting to justify Cloud, the superintendent of education. I was standing pretty close to him and very

much interested in his speech. I remarked to him, "Governor, do you intend to justify the action of that man Cloud before this assemblage?" He went on and said, "So far as the report of the committee is concerned that was appointed to examine his case, I do."

Question. It is the practice in your State for persons of the opposite party in a crowd to interrogate a speaker on the stand?

Answer. That is a very usual custom in our county.

Question. I understand you to say, then, that so far as you know, being a member of the democratic party there and acting with them, there was no preconcerted design or wish to bring about any disturbance?

Answer. None that I know of; and so far as my connection with this transaction is concerned, I know there was no preconcerted design or wish or intention to bring about a disturbance that day.

Question. If the same feeling existed on the part of those who controlled the other meeting, is the disturbance which did ensue to be attributed to the accidental circumstance of some individúal beginning this firing?

Answer. What other meeting?

Question. The republican meeting?

Answer. I do not understand.

Question. You, acting with the democratic party, say that, with your party, so far as you know, there was no preconcerted wish or design to bring about a collision or disturbance?

Answer. Yes. sir.

Question. If the same feeling actuated those who were conducting the republican meeting, do you then attribute the disturbance which did arise to the unauthorized act of some individual beginning the firing?

Answer. Well, I do not know what feeling existed among the radicals that came there that day.

Question. Upon the assumption that the same feeling animated the leaders on both sides that animated yourself, is the disturbance to be attributed to the unauthorized act of some individual in commencing the firing?

Answer. If we had all gone there with a peaceable intention and had not done anything to disturb the peace, I presume we would have gone home without having any disturbance, unless it had been started by some unauthorized individual.

Question. Wishing to get at the true origin of the difficulty, I want your view of the matter.

Answer. My impression is that the difficulty started from the firing of a pistol by a negro; and from the best evidence I can get, it was fired at me, under the conception, somehow or other, that I was too close to the stand, or probably that I wanted to do something improper; that my motives were not such as they really were.

Question. Did you at or about that time see anything of an effort to get upon the stand a negro man, who was a democrat, to speak to the negroes?

Answer. No, sir. I heard this negro man say afterward that he wanted to speak mighty bad, or something of that sort; but I saw no effort of anybody to put him up.

Question. Mr. Jolly stated yesterday that a man named Reynolds was endeavoring to get a negro man upon the stand which had been occupied by the republicans, to speak to the negroes. Did you see anything of that at that time?

Answer. No, sir; I did not see a negro man trying to get on the stand at that time.

Question. Before the time of the firing, had any disturbance whatever occurred more than that which would be incident to the interruption of which you have spoken?

Answer. None that I know of. What induced me to speak in the way that I did, and to go up to Governor Parsons was, that I saw there were some men on the outskirts of the crowd who were drunk, who did not know what they were doing; I knew and believed that those men knew Hays, and did not want to hear him speak. I knew a portion of the crowd was drunk, and it looked to me like it was getting a little inflammatory. These other two men had spoken their speeches through, and I thought we had heard Hays enough, and I therefore went to Governor Parsons to try to get him down.

Question. Were the men who you apprehended might create violence by reason of being drunk, citizens of Greene County?

Answer. I do not recollect; some of them were, of course.

Question. Were not some of those who were there citizens of Mississippi?

Answer. Not that I know of.

Question. Were they all citizens of Alabama so far as you know?

Answer. Yes, sir; so far as I know, they were.

Question. Were those drunken men armed?

Answer. I do not know; I did not see their arms; I heard them cursing and swearing on the outskirts of the crowd.

Question. Had you anything to do with the calling of the democratic meeting?

Answer. Yes, sir.

Question. Were you aware at the time you called it that you were calling it on the same day that the republican meeting was called for?

Answer. I do not know that I was; I do not recollect as to that; but it seems to me that the democratic meeting was called after we had had some conference in the democratic council, somehow or other; I do not know how that was; but I know one thing for certain, whether it was called before or after, or at whatever time it was called, no consideration was taken or no reference made to the previous call for the radical meeting.

Question. Do you not know that the democratic meeting was called after the advertisements for the republican meeting were up?

Answer. I believe it was; I learned that afterward; but at that time I do not believe I knew it. I do not know that I saw the advertisements for the radical meeting.

By Mr. POOL:

Question. For what day of the week was it called?

Answer. I do not know; I do not recollect that; but I recollect both meetings were called for the same day.

By the CHAIRMAN:

Question. Dare men whose sentiments are obnoxious to the majority of the citizens of Eutaw express those sentiments freely, without danger of personal violence?

Answer. I think so; they have done it, and they continue to do it. I think a man can do it with great safety now.

Question. Then what was the reason of your desire for having Major Hays prevented from speaking that day?

Answer. Well, my object was this: Major Hays was particularly obnoxious to the people there. I do not know but he could have spoken on that day; I did not know it at the time, but I thought for the sake of harmony and peace and quiet he had better not. I was afraid of some trouble from those drunken men. I do not know whether they were citizens of Eutaw or not; some of them may have been; but I think that Major Hays could go there now and speak, and probably he could have spoken then, yet I did not like to risk it.

By Mr. VAN TRUMP:

Question. You thought that there would be more danger if he spoke than if he did not?

Answer. Yes, sir; that was my position exactly.

Question. Is not the state of feeling there such that the sentiments of the two parties are very obnoxious to each other? Is there not a high state of political excitement on the questions that divide the two political parties there?

Answer. Well, sir, there are no parties there except the negro party and the white party. I do not think there are more than two or three radicals in the county, and we never get up an excitement; we never have anything offensive against the negro. The negroes are now beginning to learn who and what we are, and who their friends are; and you cannot get up an excitement that I know of between the two parties. You may get up an excitement with some man who is offensive to some other particular individual—one man belonging to one party and one to the other; but so far as the two parties are concerned, I do not think you can get up an excitement.

By the CHAIRMAN:

Question. Then any white man who takes the side of the negroes and advocates political opinions which are supposed to be acceptable to them, is, in your view, obnoxious; is he not?

Answer. Well, sir, we take the side of the negro now; they belong to the democratic party now.

Question. Who?

Answer. The negroes in Greene County; we take their side now.

Question. When a white man undertakes to advocate what you term the radical side in politics, is there not a concentrated effort to make him obnoxious?

Answer. Not that I know of; not if he does it in a decent, respectable way.

Question. Was there any other reason for Major Hays being obnoxious than his identification with the radical party there?

Answer. Do you desire me to give you the history of Hays, and show why he is obnoxious? I prefer not to do it.

Question. I ask if there is any other reason for his being obnoxious than his identification with the republican party?

Answer. There are a great many reasons why he has become particularly obnoxious to our people—personally, individually, politically, and every other way.

Question. Then there are other reasons?

Answer. Yes, sir; but unless you press me, I would prefer not to state them.

Question. Was not the sentiment in that town on the subject of this particular riot

so much on one side that a fair or exhibition was held there to raise funds to defend the men who were indicted for participation in the riot?

Answer. Yes, sir; there was a fair held there by the ladies of the town. Some of the brothers of the nice young ladies of the town were indicted. They were taken down to Mobile, and it was necessary that they should summon several witnesses to show in what way they were connected with the affair. Through the instrumentality of young ladies of the town who were sisters of those men, a fair was gotten up, and the expenses of those witnesses were defrayed in part in that way.

Question. How many negroes were wounded in that riot?

Answer. I only saw one.

Question. According to the best of your information, how many were there?

Answer. I know of one that I saw; another one I saw the blood of. I think there were seven or eight; I do not think there were exceeding that.

Question. Was there any public movement to relieve the negroes who were wounded?

Answer. The one that I saw, (and this was the first intimation I had that anybody was shooting at a human being) was lying on the public square, with his thigh broken.

Question. Was there any movement in the shape of a public meeting or fair to raise money to relieve the sufferings of the wounded negroes?

Answer. Well, as to those who were wounded that I speak of, I do not think, with the exception of the one who had his thigh broken, that they had need of anything except, probably, to send for a physician to cut the ball out. As to the one who had his thigh broken, I went to him and told some negroes to take him up, get a place to put him in, and get a dray to carry him off, and send for a physician. I told the negroes I would pay the physician myself.

Question. There was no public expression of sentiment, either for the relief of the negroes or of regret for the occurrence?

Answer. No public expression that I know of in a form of a meeting. Everybody regretted it though.

Question. Do you know of the existence of any secret political organization in the State of Alabama?

Answer. No, sir; I do not, except one.

Question. What is that?

Answer. I know of the existence of the Loyal League.

Question. That is a secret political organization?

Answer. So far as I understand, it is. I never was in it.

Question. When was that organized?

Answer. It was organized soon after the war. I suppose it has been in existence from 1865 up to the present time.

Question. Does its organization still continue?

Answer. I think it continued until a very short time before the last election last November.

Question. What is its purpose?

Answer. Its particular purpose is to fool and cajole the negroes, and make them vote the radical ticket.

Question. How do you derive that information?

Answer. I got it from negroes. We know it exists because we have seen negroes who tell us they go to the meetings.

Question. Have you any information from any quarter of the existence of what is popularly known as the Ku-Klux?

Answer. The only information I have received in regard to it was the crowd that came in to murder Boyd; that is the only evidence I have ever seen or heard of in regard to disguised men in that county.

Question. Were you ever approached by anybody with the request to become a member of any secret political organization?

Answer. No, sir.

Question. The White Brotherhood?

Answer. No, sir.

Question. Constitutional Union Guards?

Answer. No, sir.

Question. Invisible Empire?

Answer. No, sir.

Question. Knights of the White Camelia?

Answer. No, sir.

Question. Nor any other similar political organization?

Answer. No, sir; I know of no secret political organization in the State of Alabama. I am certain there is none existing about my particular section.

Question. You are a member of the bar?

Answer. Yes, sir.

Question. Did you read the proceedings of the investigation at Paytona?

Answer. No, sir; I think I have heard them repeated on the cars. I never read them.

Question. Have there not been for several years allegations of the existence of the Ku-Klux organization in Alabama?

Answer. I know that a great many people there believe that an organization of that sort exists.

Question. Have you never felt interest enough in the matter to investigate the alleged evidence of its existence?

Answer. Yes, sir, I have made inquiries for it; I have known others to make inquiries; and I never could find it; I never saw it, and never saw a man who belonged to it. I have had as much curiosity about it as anybody else.

Question. Having made that inquiry, do you give it as the result of your investigations in regard to secret political societies of all kinds in Alabama, that you are satisfied of the existence of the Union League, and that there is no evidence to satisfy you that this organization popularly known as Ku-Klux ever existed there?

Answer. None in that section of the country.

Question. I mean in the State at large.

Answer. I cannot speak for the other parts of the State.

Question. You can state your belief.

Answer. Well, I do not believe that it has existed in the State. I say this because I have conversed with men from different sections of the State. There may have been members of that organization from other States who came into ours; but I do not believe there ever was a Ku-Klux organization in the State of Alabama. That is my honest belief.

Question. Or a secret political organization known by any name which is responsible for these outrages committed by men in disguise?

Answer. Yes, sir; or a secret political organization of any kind. I know of no political organization in the State of Alabama, outside of the Loyal League, and the radical party, and the democratic council.

Question. The proceedings of the democratic council are public?

Answer. Yes, sir.

Question. It conducts the business of the publicly recognized democratic party?

Answer. Yes, sir.

By Mr. POLAND:

Question. Who was this negro who shot at you?

Answer. I do not know. I have tried to find out his name. I think it was a negro who formerly belonged to Chancellor Clark; but I do not know what his name is. I can furnish the committee with his name at any time.

Question. You say three men told you they saw him?

Answer. Yes, sir.

Question. Did they not know him?

Answer. One of them said he did, and the other two did not.

Question. One of them professed to know what his name was?

Answer. Yes, sir; he professed to know his name.

Question. And the others could identify the man?

Answer. I suppose they could.

Question. From the information you obtained, you believe he intended to shoot you?

Answer. Well, he may have intended it; I do not know. The information I have got about it is this: one of these men said positively that he shot directly at me, and the others say that they saw him shoot. I am satisfied that he shot in my direction, and shot toward me; but I know of no cause why he wanted to shoot me, unless, probably, that it might have been owing to the fact that he supposed I was going to do something to the crowd that was speaking on that occasion.

Question. You understand that the negro who shot was a radical or republican?

Answer. I do not know whether he was or not.

Question. Did you ever attempt to have him prosecuted?

Answer. No, sir.

Question. Why not?

Answer. Well, I think he was arrested and put in jail.

Question. For shooting at you?

Answer. For engaging in the riot, I believe, or something of that sort. He was arrested anyhow, and put in jail by a man named Cockerell.

Question. Why did you not prosecute him for shooting at you?

Answer. Because I was not perfectly satisfied as to the identity of the negro. I talked to the negro myself, and was not satisfied as to his identity.

By Mr. STEVENSON:

Question. He denied it?

Answer. Of course he did.

By Mr. POLAND:

Question. The reason you did not have him prosecuted was the difficulty of determining the identity of the individual?

Answer. I am satisfied a negro from that place did it, but I was not satisfied as to the identity of that particular negro.

Question. How could there have been any difficulty in determining his identity if three men saw him do it?

Answer. Well, sir, I do not know that he was the one. I was not satisfied in my own mind about it.

Question. If the negro who shot was the one you suppose—the one who had belonged to Chancellor Clark—did not everybody in your town, black and white, know him?

Answer. I do not know; he was not known to me; I did not know him.

Question. You did not take any measures to prosecute him?

Answer. No, sir, I did not prosecute him; his case was presented to the grand jury. I did not appear before the grand jury, and they ignored the prosecution.

Question. Did you bring his case before the grand jury?

Answer. No, sir, I did not; it was brought before the grand jury by other parties.

Question. Was a complaint made against him before the grand jury for shooting at you?

Answer. I understood there was.

Question. Who made the complaint?

Answer. A man named Luther D. Cockerell.

Question. To which party did he belong?

Answer. He had belonged to the radical party, but at that particular time he belonged to the democratic party.

Question. He was the man who you understood made complaint before the grand jury against this negro for shooting at you?

Answer. Yes, sir. The complaint was made in this way: in our county parties are put in jail on complaint made before a magistrate, and are kept there to await the decision of the grand jury.

Question. What was the complaint against this negro?

Answer. I suppose it was assault and attempt to kill, or attempt to murder. I never saw the complaint in my life; I never paid any attention to it. I went to see the negro and talk to him about it. I asked him if he did it, and he denied having any desire to do anything of the sort. He said he was not the man.

Question. He said he did not shoot at all?

Answer. Yes, sir; he said he did not have any pistol to shoot with.

Question. Were you satisfied that that was so, or did you think he was lying about it?

Answer. Well, I was satisfied of this, and nothing more: I was satisfied that I was fired upon by a negro, and I was uncertain as to the identity of this one; I was uncertain as to his being the man who did it. That was the position I occupied, and I did not care to prosecute the thing any further.

By Mr. VAN TRUMP:

Question. Whatever difficulty existed in your mind at that time as to the identity of the particular negro who fired the shot, you were satisfied it came from the negro crowd?

Answer. I know, sir, that it came from the negro crowd, and I know that my pants were shot; I know, also, that it was the first pistol that was fired.

Question. Are you satisfied that was the first pistol that was fired?

Answer. It was the first I heard.

Question. That was just at the moment when you and Governor Parsons and General Warner were standing together, and at the very moment when Hays either jumped off the table or was thrown off?

Answer. Yes, sir; it was just about that time. General Warner was not standing; he was sitting in a chair.

Question. If Mr. Hays or any other person has sworn that just at that moment some persons who were stationed in the clerk's office commenced a volley of firing from the windows of the office at the negroes, over your and Parsons's and Hays's head, he is mistaken, is he not?

Answer. If he says that the firing there was commenced before this negro fired, he is mistaken.

Question. If he says that the commencement of the firing was out of the window of the court-house, he is mistaken?

Answer. That is a very clear mistake.

Question. I understand you to have said that during Governor Parsons's speech you put certain questions to him?

Answer. Yes, I did.

Question. Were you there most of the time that he spoke?

Answer. I was there nearly all the time he was speaking.

Question. Were your questions to the governor put in a respectful way?

Answer. Yes, sir; Governor Parsons called my name at the time.

Question. He replied to you respectfully?

Answer. Yes, sir; I asked him if he indorsed this man Cloud, and he said, so far as the report of the committee was concerned, he did. I said, "That is not the question I asked you; you are going around speaking and advocating the cause of your party; say whether you indorse the course of Cloud or not." He replied to me respectfully. To ask questions in that way is usual with us down there, and is not considered to be discourteous.

Question. Is it a fact or not that at that time, or about the close of Governor Parsons's speaking, there was a general disturbance and hooting at him?

Answer. Well, I saw nobody there that had a disposition to treat Governor Parsons in any other way than kindly; certainly not while I was in front of him, and not while I was in his presence. After he went round the court-house and away from where I was, I do not know what happened; but I never even heard that he was treated discourteously while he was in town.

By Mr. POOL:

Question. How many men were killed?

Answer. None that I have ever heard of yet.

Question. How many died from wounds received on that occasion?

Answer. None. I do not believe that any one was seriously wounded, except the man who had his thigh broken. I saw him about in four or five weeks after he was hurt. The physician that I caused to be sent for attended him.

Question. Whence came the report that fifty-four men were wounded and three or four men died from wounds received on that occasion?

Answer. I do not know how that came about; I suppose it came from the imagination of some people; I don't know where it came from; I never could learn of that many; I am satisfied that none of them died, and there were none killed; I know I would have heard it if it had been the case.

By the CHAIRMAN:

Question. Did not the account published in the democratic paper give twenty-five or thirty as the number who were wounded?

Answer. I do not know. I hardly ever read that paper. I was not then a subscriber to it, though I am now.

By Mr. POOL:

Question. Did Mr. Hays fire the first shot?

Answer. I do not know whether he did or not; I do not think he did; I am pretty certain he did not. I think the first shot was fired by a negro from behind.

Question. Did Mr. Hays order the negroes to fire?

Answer. I never heard him.

Question. Were you not standing close by him?

Answer. I was right close by him.

Question. Would you have heard him if he had given such an order?

Answer. I was standing close by him. It does seem to me I have heard that Hays did order the negroes to fire.

Question. Whence came the report so generally circulated that in the first place Hays fired the first shot, and in the second place, that he ordered the negroes to fire?

Answer. I do not know.

Question. Was not that published in the democratic paper of that place at the time?

Answer. I do not know whether it was or not. I know I have heard it said several times that Hays fired the first shot, and that he told the negroes to commence firing. I have heard all those sort of things. Hays was on a little table. I do not think I was more than about two feet from the table, talking to Governor Parsons, and I never saw Hays fire a pistol, nor did I hear him make use of any such remarks.

Question. There may be some reasons why Mr. Hays might be unpopular with the negroes; but do you know of anything, totally disconnected with politics, or with the present relations of parties in the State, that should make Mr. Hays particularly obnoxious to the democrats?

Answer. I know that Mr. Hays is not a man to be trusted by friend nor foe. I know that he has deceived his most intimate friends. I do not think that Hays is a truthful man on hardly any occasion. I do not say this for the purposes of this trial; but I know him; I knew him when we were young men together, and I knew the degree of confidence the young men had in him then. He is a man of no mark—a man of no special force of character—no marked character at all.

Question. Did you hear of the shot that was fired from the window of the circuit clerk's room?

Answer. No, sir; I heard several shots fired; they were fired from the door.

Question. You know where the circuit clerk's window was?

Answer. Yes, sir; I know exactly. I was sitting on the
these men left. When the firing had commenced, and after some holding up of pistols and firing generally about in the air, I jumped up and sat on the table just to see the stampede generally. I was amusing myself looking at the stampede.

Question. Did you hear a shot fired from the window of the circuit clerk?

Answer. No, sir, I did not. I suppose you mean just at that time?

Question. Just at the commencement of the affray?

Answer. No, sir; I did not.

Question. Was the circuit clerk's window in front of you or behind you?

Answer. Behind me. Here is the circuit clerks window—two windows (illustrating.) The table was in between the two windows, and was I sitting on the table with my face toward the street.

Question. When the shot was fired?

Answer. Oh, no; when the first shot was fired I was standing right by Governor Parsons.

Question. At that moment, when the first shot was fired, was the circuit clerk's window in front of you or behind you?

Answer. One of the windows was to my right; the other window was, you might call it, diagonally behind me.

Question. Were you facing the crowd?

Answer. No, sir; my left side was toward the crowd of negroes.

Question. The court-house was to your right?

Answer. Yes, sir.

Question. And the crowd of negroes to your left?

Answer. Yes, sir.

Question. And the stand was to your front?

Answer. No; the stand where Hays was was about two feet from me, and my back was to it; and the negroes were around behind, extending up to the door of the court-house.

Question. Then the stand was at your back, and distant about two feet from you?

Answer. You call the table, the stand? Yes, sir; it was right at my back. I was a little in advance of the stand toward the negro crowd.

Question. But your back was to the stand?

Answer. Yes, sir; my back was to the stand, and my back to Hays when he was on the stand.

Question. You were about two feet from the stand?

Answer. Yes, sir; about two feet from the table they were speaking from.

Question. You heard distinctly the report of the pistol; do you know from what direction it came?

Answer. No, sir; except that I knew it came from behind, and I knew very well that it did not come out of the court-house. I knew it came from the crowd of negroes who were collected in a row close by the door—just this side of the door of the court-house. They were thick all around there. I was satisfied that it came from there, not out of the court-house. I speak of the first shot.

Question. Did the first shot come from beyond the table?

Answer. Yes, sir; it came from beyond the table from me.

Question. In your rear?

Answer. Yes, sir.

Question. Where did it strike?

Answer. It struck just about two inches below the crotch of my breeches; I suppose about three inches.

Question. Between your legs?

Answer. Yes, sir; it went between my legs.

Question. Then it must have come directly from behind?

Answer. It came from behind; the bullet hole showed so in the pants so far as we could ascertain; and I know it came from behind because I was in no other position that day when I could have received a shot.

Question. Then it must have passed under the table, or over the table?

Answer. No, sir; it need not have done either. I was a little to the left of the table, about two feet from the table, a little beyond it, between the table and the crowd of negroes, two feet in advance of the table toward Governor Parsons, and about a foot and a half or two feet to the left of the table, toward the crowd.

Question. I understood you to say that the table was directly behind you?

Answer. It was behind me, but not directly behind me; it was behind me so far as seeing Hays's maneuvers was concerned.

Question. The fact that you were struck became known to you after the matter was all over?

Answer. Yes, sir; I did not know that I was struck until I had walked across the street and gotten over near my office.

Question. How do you know, then, that you were struck on the first fire?

Answer. That was the only firing that I was in range of; and the only one that could possibly have done it was the first fire. I do not know of any other that could have done it. I was in no position where I could have been hit afterward, or at any time before.

Question. As soon as this firing was made was there a rush into the court-house on the part of a company of white men who were there?

Answer. No, sir; I did not hear of it. There were a good many people in the court-house door; and a good many came to the door soon after this firing was commenced. The negroes were all round the court-house door, very thick.

Question. How long a time was there between the firing of the first shot, and the general firing from the court-house windows?

Answer. Not long.

Question. Was there general firing from the court-house windows?

Answer. There was firing from the court-house door; I did not notice any from the windows.

Question. How many shots were fired from the court-house door?

Answer. A good many—I reckon eighteen or twenty. I saw men holding up their hands and firing into the air. They were shooting over the heads of the negroes, and hooting and hallooing as I thought, just to see the stampede. I had no idea anybody was being shot.

By Mr. STEVENSON:

Question. There was hallooing?

Answer. Yes, sir.

By Mr. POOL:

Question. Did you see any negroes fall?

Answer. Yes, sir; at every firing that was made about a dozen fell; I knew that all of them could not be struck; the yard was full of them.

Question. How many shots were fired altogether?

Answer. I cannot make any estimate. I reckon about fifty or sixty right there at that time. The negroes went down town afterward, and there was shooting at the railroad depot, or at least coming up the street from the railroad.

Question. Shooting by whom?

Answer. Well, the negroes, after they had fired back, left and went on down to the depot.

Question. How far from the court-house?

Answer. About half a mile. When they got down there, they rallied and they came back under the charge of a yellow boy riding on horseback. Down there I heard some more firing; I heard a great deal of firing down there. Just about that time the Federal troops arrived; and they went down Prairie street.

Question. Was anybody hurt down at the depot?

Answer. No, sir; nobody that I know of. I heard several pistols fired down there. The negroes rallied to the number of about two hundred, and came up the street.

Question. Is there among the white men in Greene County any effort or understanding by any means to intimidate the negroes and keep them from voting the republican ticket?

Answer. None in the world that I know of; and I do not think there is any. I have not seen anything of it.

Question. Have you heard any arrangements of that sort talked of?

Answer. No, sir; I have never heard of such arrangements. I know that it is not so so far as the last election is concerned.

Question. In any election?

Answer. I have never heard of it in any other election, because we have never taken any active part in any election until the last; scarcely any.

Question. Then you do not know of any purpose or understanding on the part of anybody to intimidate negroes, and prevent them from voting the republican ticket?

Answer. No, sir; I have known persons to persuade them, and beg them not to do it—talking to them reasonably.

Question. How many cases of whippings of negroes have you heard of within the last few years?

Answer. I do not know; I cannot answer that question. I have heard of them, but I do not recollect a single one. I have heard of several being whipped.

Question. As many as ten?

Answer. I do not know; I have heard of several being whipped. I thought I could call the names of several, but I cannot.

Question. Have you heard of negroes being whipped by men in disguise at night?

Answer. No, sir; I never heard of but two disguised operations in the county in my life; those were the hanging of a man named Sam Colvin, and the killing of Boyd. There may have been other cases. I have heard of several cases of parties coming to

houses and whipping negroes. I thought I could mention some of the names, but I cannot.

Question. You say the negroes in Greene County now belong to the democratic party?

Answer. I say they voted the democratic ticket the last time, and I believe they will again; for I have heard a great many of them express themselves.

Question. Do you believe they will vote the democratic ticket freely?

Answer. Certainly.

Question. Of their own will and accord?

Answer. I know they do; I know they did at the last election we held there. The Federal troops were within about forty yards of the polls, with their arms buckled on, and with stacked bayonets. The officer was there, and, according to the rules and regulations of our election laws, no one was allowed to go within twenty feet of the polls except the men who voted and the guard. The negroes walked up and put their tickets in, and they were counted; and the vote of the county was counted out democratic. I know of another little incident: About three months after that, I heard it rung about in the papers, that Greene and Sumter Counties had been carried by fraud, violence, intimidation, and all that sort of thing. I was persuaded by my friends to come out for the office of mayor of the town of Eutaw. I am looked upon as a pretty extreme democrat there. I did so. About twenty-five or thirty of my best friends were then absent in Mobile. I used no undue influence; in fact I had nobody to electioneer for me; and that office had gone for the radical party by over three hundred. I ran against Mr. Samuel W. Cockerell, the best and most respectable member of his party in that county—a good man so far as I know—and I beat him three to one. My object in running was simply to convince the people that the negroes there had actually turned democratic. We ran on party measures and party issues. That is a little circumstance I mention for the purpose of showing that I believe the negroes there have been truly convinced that the democratic party is the party that they ought to be attached to. There are divers reasons I could give for it.

Question. Do you speak of the counties of Greene and Sumter?

Answer. I cannot speak so much for Sumter as I can for Greene; but I believe it is the same in Sumter.

Question. Is the case generally the same all over the State of Alabama?

Answer. Well, sir, it is all over the State, wherever the democratic party is organized and gets proper men to take charge of them.

Question. You mean take charge of the negroes?

Answer. Yes, sir; by "taking charge," I mean persuading them and asking them to vote properly, and telling them what they ought to do. They have received advice from divers parties for a long time, until they have found out that they have been deceived; they tell me so; and that they are going hereafter with their old masters—their old friends and old playmates. That is the sentiment that pervades the negroes in Greene County. I have talked to all of them; I have made speeches to them.

Question. What do you white men of Greene County think of the reconstruction policy of Congress; do you favor it?

Answer. Well, sir, I cannot say that we favor it. We have no opposition to it. The people of Greene County, so far as the democrats are concerned, accept almost everything. They do not object to it. They swear by the constitution that was imposed upon them by Congress some time ago; they take all the laws as they are passed, and there is no disposition on their part to violate any of them; I cannot say that they favor them. They abide by them, and they are willing to adhere to them; and so far as they are concerned, they enforce them as laws of the country.

Question. Is it not your purpose to do all that you can to have some features of the congressional policy changed; for instance, the provision allowing negroes to sit upon juries, the universal voting of the negroes, and their holding office; I mean by legal means?

Answer. Well, sir, it is not the sentiment of the democratic party of Greene County to ever disturb the political franchise that is allowed to negroes; I mean the right of voting that is given to them, or their right to sit upon juries, or to hinder them in any way from being regular citizens of the United States. Nobody there, that I know of, is disposed to change any feature of the laws in that respect. It has been said (and it has had a great deal of influence upon the negroes) that the object and purpose of the democratic party was to put the negroes back into slavery, and all that. I do not believe that there is a man in that section of the country who would do it if he had the power to do it to-day. That is not the object of the democratic party of that section of the country; it is not understood to be.

Question. You said that Mr. Boyd had been active in prosecuting some offenders, and had said that he knew the names of parties who had committed outrages; were those outrages committed by men in disguise?

Answer. Not that I know of, except this: in the case of Sam Colvin, that I spoke of, Mr. Boyd said, as I understood—I never heard him say so——

Question. I want to know more particularly the nature of the cases. What were the charges against the parties whom he was prosecuting?

Answer. He was not prosecuting any one. He intended to prosecute. He said he would keep the grand jury in session six months unless he got a bill against them.

Question. What were those parties charged with?

Answer. They were charged with the murder of a man named Sam Colvin.

Question. A colored man?

Answer. Yes, sir.

Question. Were they alleged to be in disguise?

Answer Yes, sir; they were alleged to be in disguise when they hung him.

Question. There was another case in which there was a hat found. What was the charge against the party to whom the hat was supposed to have belonged?

Answer. I do not know that I saw the hat myself; but I heard Boyd say, in the presence of half a dozen persons, "I have a hat that belongs to one of the marauders; and he thinks I do not know whose hat it is."

Question. Were they in disguise?

Answer. I do not know. He made no charge as to who they were. That is all he said. I do not know whose hat it was or where it came from.

Question. Was not the activity of Mr. Boyd directed against these raids by masked men? Was not that what he had set his face against, and what he had avowed his determination to prosecute and expose?

Answer. Well, sir, he was the attorney of the county, and it was his business to prosecute these men, and he ought to have done it if he did not. I only give these instances of his having used these expressions in public as tending to show what might or might not have caused his death.

Question. I do not ask about tendencies; I ask whether the fact was not that he was then actively engaged, and avowed his purpose to continue engaged, in the work of exposing these disguised men who had been committing depredations in the vicinity?

Answer. Well, sir, he made these remarks I state; you can draw your own inferences as to the parties he was after. I do not know particularly that they were disguised men any more than any other men. He was after other parties, I suppose; at least he ought to have been. I cannot say that his attention was called particularly to disguised men or to other parties.

Question. I understood you to attribute his killing to those open expressions of his and to his activity against offenses committed by disguised men?

Answer. I did not attribute it to anything; I only stated what facts I knew in regard to it, in order that you might draw your inferences. I do not know what Boyd's killing arose from. I do not know whether it arose from the fact that he had been the murderer of young Brown, and that some of young Brown's friends did it; or I do not know that it arose from the fact that he was active in the prosecution of these men; I do not know what causes it arose from. I state all these facts in order that you may draw your own inferences.

Question. Was it not a fact that the court was in session at the time he was killed?

Answer. No, sir; I do not believe it was.

Question. Was it not court week?

Answer. Oh, no; I reckon not. He was killed on the 31st day of March.

Question. Was your court in session at that time?

Answer. No, sir, I do not think it was. I am satisfied it was not.

By Mr. BLAIR:

Question. When does your court sit?

Answer. Our court sits in May.

By Mr. POOL:

Question. Was any grand jury in session at that time?

Answer. Oh, no, sir; the grand jury only sits when the court is in session.

Question. What did Boyd mean by talking about keeping the grand jury in session six months?

Answer. He could not do that. We only have a term of the circuit court there in our county for two weeks at a time, and he could not keep the grand jury in session any more than two weeks. That was an *ad captandum* expression of his.

Question. I supposed you might have some peculiar law on the subject.

Answer. No, sir; we have none.

Question. Then his threat was that, at the next succeeding term of the court, he meant to do all these things?

Answer. Well, sir, he meant to ferret them out, I suppose. I never heard those threats myself.

Question. At the next succeeding term of the court there was to be a grand jury?

Answer. Yes, sir; at every term of the court there is a grand jury.

Question. Boyd was killed then about a month before your regular session?

Answer. Yes, sir; he was killed about the 1st of April, and our court sits in May.

Question. Do you know whether Boyd had brought many witnesses before him, reduced their statements to writing, and gone into an investigation, preparatory to a prosecution at the succeeding term?

Answer. No, sir; I do not. I do not see how he could have done it. He may have summoned them before the grand jury. He had no right to call witnesses, unless he called them as prosecuting attorney before the grand jury.

Question. Might he not have brought them before him in his office and privately taken their statements?

Answer. I know nothing in the world about that; he may have done it.

By Mr. BECK:

Question. You have been asked why the exaggerated report that at the Eutaw riot three men were killed and fifty-four wounded was circulated afterward over the country. I will ask you whether or not it was understood by the democratic party generally that the report was circulated in an exaggerated form for the purpose of exciting the negroes against the democratic party and getting their votes against that party?

Answer. I do not know for what reason that report was circulated. I have heard that something to that effect was published in a democratic paper; I do not know whether it was or not.

Question. I am not asking for your own knowledge. I ask whether you understood that such was the fact?

Answer. Yes, sir; it was generally understood about there that it was a fact that a number of them were killed and great numbers of them wounded; and that report was put out there and circulated largely.

Question. For what purpose, as you understood, was it so circulated?

Answer. I do not know for what purpose; but we understood it was published in all the radical papers in the State, and a big fuss made over it. I do not know what was the cause of it; but I suppose it was to have some effect on some of their doings.

Question. One word about Boyd's activity in carrying on prosecutions: Snoddy had been killed before?

Answer. Yes, sir.

Question. Snoddy was a white man?

Answer. Yes, sir.

Question. Some negroes had been tried and sent to jail as the parties who had killed him?

Answer. Yes, sir.

Question. And they made their escape?

Answer. Yes, sir.

Question. Had or had not Boyd failed to prosecute the negroes who had killed Snoddy?

Answer. He had failed. He did not do it.

Question. But when Colvin, the man who was supposed to have been implicated in killing Snoddy, was killed, Boyd was very active and made these declarations in respect to arresting parties?

Answer. Yes, sir.

Question. Was it generally believed in your community that, because of Boyd's failure to prosecute the murderers of Snoddy, and his extreme activity to implicate parties in the killing of Colvin, some parties, either kinsmen of Brown, or implicated in the killing of Snoddy, killed Boyd from private motives?

Answer. I believe, myself, that that probably might have been the case.

Question. Was Boyd killed because of his politics in any way?

Answer. No, sir; I do not think he was, because he had no particular politics that I knew of. He was not by any means a dangerous man in politics.

Question. Inquiry has been made about intimidation. Have negroes seeking to vote the democratic ticket ever been intimidated by the loyal leagues or by other negroes? State what you know on that subject.

Answer. During the time when we were voting on our constitution we tried on several occasions to prevent the negroes from voting, and we tried to get those who did vote to vote against the adoption of the constitution; and the Loyal League and those connected with it did intimidate those who were desirious to vote with the democratic party at that time. They were threatened; they were fined; they were supposed to have been taken off privately and sometimes whipped by their comrades, for voting the democratic ticket.

Question. According to your knowledge or information, was it generally the practice for the negroes and the loyal leagues to intimidate, threaten, and even punish democratic negroes?

Answer. I am perfectly satisfied that the Loyal League maintained its ascendency down there for so long a time, from the simple reason of its intimidation and threats over negroes who were at first induced to join them. As soon as they could get out of

it—as soon as they learned that they could violate the oath they took in joining it, without being thrashed, or fined by their comrades—they broke up the league.

Question. Were inducements held out to negroes to vote the republican ticket, by promises of land, mules, and other things? State what you know on that subject?

Answer. I know that all sorts of inducements were brought to bear upon the negroes to compel them to join the radical party.

Question. State anything you know in regard to promises of land and mules.

Answer. I can tell you from what I know and have seen myself, and also from what negroes have told me, that they have been promised lands and mules—forty acres of land and a mule—on divers occasions. Many an old negro has come to me and asked me about that thing. I can illustrate it by one little thing that I saw on a visit once to Gainesville, Sumter County. At a barbacue there I saw a man who was making a speech to the negroes, telling them what good he had done for them; that he had been to Washington City and had procured from one of the Departments here certain pegs. I saw the pegs. He had about two dozen on his arm; they were painted red and blue. He said that those pegs he had obtained from here at a great expense to himself; that they had been made by the Government for the purpose of staking out the negroes' forty acres. He told the negroes that all he wanted was to have the expenses paid to him, which was about a dollar a peg. He told them that they could stick one peg down at a corner, then walk so far one way and stick another down, then walk so far another way and stick another down, till they had got the four pegs down; and that, when the four pegs were down, the negroes' forty acres would be included in that area; and all he had to say to them was, that they could stick those pegs anywhere they pleased—on anybody's land they wanted to, but not to interfere with each other; and he would advise them, in selecting the forty acres, to take half woodland and half clear; that nobody would dare to interfere with those pegs.

By the CHAIRMAN:

Question. What was the man's name?

Answer. I do not know his name. This was some time ago. It has not been within the last two years. He was there when the Government was collecting the confederate cotton in Gainesville. He was not a citizen of our county.

By Mr. VAN TRUMP:

Question. What effect would that have on the negroes?

Answer. Well, sir, the negroes bought the pegs, and he made about two or three hundred dollars, I suppose, in less than two hours. I am satisfied of this, for I saw the negroes buying from him; and the negroes were seen afterward knocking about there with these pegs.

By Mr. COBURN:

Question. Did any of them set up their pegs?

Answer. I do not know whether they did or not.

Question. Did you hear whether that peg business was kept up long?

Answer. They did not keep it up long. I just give that as one little instance for the purpose of showing how easily the negroes were duped.

By the CHAIRMAN:

Question. Was that a political meeting?

Answer. No, sir; it was a barbecue; it was not a political meeting. This man was showing off on his own responsibility, I suppose.

By Mr. BECK:

Question. He was not an Alabama man?

Answer. No, sir; he was a man from up here somewhere. I cite that case for the purpose of showing the means that were resorted to to seduce and cajole that class of people.

Question. Have you heard the fact stated by quite a number of negroes that the negroes did vote the republican ticket with that sort of promises made to them as inducements to do it?

Answer. Well, I am satisfied that they voted the republican ticket from no other reason than because they could not understand the political issues of the day at that time. Men would take them in their loyal leagues, and would poison their minds against their old masters and their old friends by telling them all sorts of tales.

Question. My question is simply whether you have heard negroes say that they were promised lands and mules?

Answer. Yes, sir; I have.

Question. Have you ever been present at any speaking where you have heard white men tell them so?

Answer. Well, sir, we are not in the habit of going to their speakings. I do not be-

lieve that I ever was at any speaking where that direct statement has been made. Most of their speaking was done formerly at night in their Leagues.

Question. The disguises which on two occasions, as you understand, were assumed in the county of Greene for the purpose of doing wrong, have been assumed, as you understand, not as a part of any organization extending beyond that particular act, but for the purpose of disguising the perpetrators of that individual outrage; is that the way you understand it?

Answer. That is the way I understand it to be. I do not understand it to be any organization of that sort. It must be in that way.

Question. Those disguises have been assumed by parties as the means of concealing themselves from detection?

Answer. Yes, sir.

Question. Have you any idea that, if those men could be caught, they could escape punishment by reason of any public sentiment favoring such proceedings?

Answer. If they could be caught they would be punished; I know they would.

By the CHAIRMAN:

Question. I understood from you that a number of persons charged with participation in the riot at Eutaw are under indictment in the United States court at Mobile?

Answer. Yes, sir.

Question. Have any indictments or charges been made against any negroes, either in the State courts or United States courts, for taking part in the riot on that occasion?

Answer. I do not think there have; I do not know that there have.

Question. Throwing out of consideration the question who is responsible for that riot or who ought to be convicted, do you believe that, if the negroes are responsible, there can be a fair trial against them, either in the State courts or the United States courts? On the supposition that they are indicted in either the State or United States courts, can they be tried there, and if guilty convicted, or if innocent acquitted?

Answer. Yes, sir, certainly they can. I know that, if anything, our courts there are more lenient toward negroes than they are toward white men. I never have seen the time yet that they did not have a perfectly fair trial.

Question. If, on the other hand, the persons are indicted in the United States courts, do you believe that the law can be executed—that they can be convicted if guilty, and acquitted if innocent?

Answer. The United States court sits in Mobile; and the law is bound to be carried out.

Question. Then, in any point of view, whichever side may be in the wrong, you believe the laws now in existence afford adequate means for convicting the guilty and acquitting the innocent?

Answer. I do; that is exactly what I mean.

Question. And you do not think that any further legislation is necessary to secure that end as against offenses of this sort?

Answer. I am satisfied that no further congressional legislation is necessary to carry out those ends.

Question. You say that the negroes do not or cannot understand the issues which are presented in the political canvass now?

Answer. I did not say now; I said at the time I spoke of. Probably now they may understand the issues, not perfectly, but better than they did formerly.

Question. You said they did not understand them at the time you spoke of?

Answer. No, sir; they were the dupes of everybody who undertook to deceive and cajole them.

Question. Did not the negro understand that in the contest of the last few years with reference to his freedom, the republican party had advocated his emancipation and his freedom, and that the democratic party had opposed it?

Answer. That is exactly what they understood—that they were freed by the radical party.

Question. They understood that?

Answer. That was the only idea they had in the world.

Question. Then, when it came to the question of securing them their civil rights in the courts to the same extent they are enjoyed by white persons, did they not understand that their enjoyment of civil rights had been advocated by the radical party and opposed by the democratic party?

Answer. Their rights before the courts?

Question. Yes, sir.

Answer. No, sir, the negro has always had, even when a slave——

Question. I am not asking as to the fact whether they had any civil rights or not; but did they not understand that, with reference to conferring upon them additional civil rights in the courts, the democratic party had opposed the conferring of those rights, and the radical party had favored it?

Answer. They were taught to believe that the radical party had conferred upon them

the right of voting and the right to be educated like other people, and they were also taught that the democratic party was inimical to those things. They were falsely taught that the object and purpose of the democratic party was to put them back into slavery.

Question. Did they not understand the fact that the radical party had advocated the conferring of civil rights upon them, and that the democratic party had opposed it?

Answer. Yes, sir; they understood that; those were about the only propositions they did understand; that is, they were taught to believe them, but they did not understand how or in what manner it had been done.

Question. Did they not understand that when the fourteenth amendment was proposed, the republican party advocated a restriction upon representation unless suffrage was conferred upon the negro, and that the democratic party for that reason opposed the adoption of that amendment?

Answer. I do not believe they ever went further than I have said. I am satisfied that they do not now understand what is the fourteenth amendment, and what is the fifteenth. They may have heard of the matter, but they do not know what it means.

Question. You think, then, that as to the fifteenth amendment they do not understand that the democratic party opposed it, and the republican party advocated it?

Answer. I do not think they understood those amendments. They had a general idea that the radical party freed them, gave them the right to acquire an education, and the right to vote; and that is just about as far as they could comprehend the politics of the day.

Question. Is their change from one party to another in Sumter and Greene Counties, because they have become convinced that that was a mistake?

Answer. They have changed because they have been convinced that there were promises and other things which have not been carried out, and that the democratic party does not deny them any of those rights. They are satisfied that the democratic party does not deny any of those rights to them now, nor desire to cut short any of those rights.

Question. You think that they remain of the opinion that the democratic party as a party was in favor of continuing them in slavery, and the republican party took the opposite ground, and yet, notwithstanding this, they have gone over to the democratic party on account of these promises which you say have not been carried out?

Answer. No, sir; my belief is that they are satisfied they were mistaken in the representations that were made to them that the democratic party intended to reënslave them. We have sworn to them hundreds of times that we never intended any such thing, and that the democratic party advocates now, and desires, that they shall be educated, and does not desire to take from them the right of voting.

Question. I understood you to say that you have never heard any republican on the stand, at a political meeting there, make promises of the kind to which you have referred.

Answer. No, sir; I never have; I never have heard one on the stand, except this fellow with the pegs; and I mention him simply for the purpose of illustrating the idea.

Question. He, you understood, was a man who was making money out of a side show at a barbecue?

Answer. Not a show, it was a set speech.

Question. There was nothing political connected with it?

Answer. No, sir.

By Mr. POLAND:

Question. When was that barbecue?

Answer. About the first part of 1866, or the latter part of 1865. As nearly as I can make it out, it was when the Government was collecting the confederate cotton.

Question. If it was in 1866, it was under the government established by President Johnson, was it not?

Answer. I do not know.

Question. You had no government under the reconstruction acts until 1868?

Answer. Yes, sir, in 1868.

Question. Then it was before the reconstruction acts?

Answer. Yes, sir, I believe it was.

By Mr. VAN TRUMP:

Question. You have stated, in reply to a question of the chairman, that while a number of white men have been indicted for this riot at Eutaw, no negro has been indicted.

Answer. None that I know of.

Question. Does not that arise from the fact that it is impossible to identify individually the negroes who were concerned in that affair?

Answer. I think it does.

Question. You found it impossible to identify the negro who shot at you?

Answer. Yes, sir; those who have mixed in crowds with negroes know that it is the hardest thing in the world to identify negroes.

Question. In a mixed crowd of furious negroes, firing, it would be impossible to identify the individual who fired any particular shot?

Answer. It would be very hard to do it.

Question. Is that the reason why no indictments have been found against negroes?

Answer. I do not know that that is the reason.

Question. Would not that be a sufficient reason?

Answer. That would be a sufficient reason.

By Mr. BLAIR:

Question. Who moved in this affair to procure the indictments against the white rioters?

Answer. Well, we knew nothing in the world about it—at least I did not—until the United States marshal came up there to arrest certain parties. The indictments were found by the United States grand jury, which sat in Mobile, some two hundred miles from us; and the first intimation we had of it was when these indictments came up there, except in this one particular: this man Sam Brown, who was there, swore to a warrant, and had the parties taken down, in the first instance, to Demopolis, and there tried before a United States commissioner.

Question. Is it not understood that the indictments were procured by radicals?

Answer. Yes, sir; there is no doubt about that. I will tell you the way some of them started. This man, Sam Brown, a radical, made an affidavit before the United States commissioner at Demopolis, about twenty-eight miles from Eutaw, and had the parties carried down there. Brown left, and the cause was continued before the United States commissioner on account of the absence of witnesses. These parties were then put under a bond of $2,000 to appear at Mobile on a certain day to be tried.

Question. Does not the fact that this prosecution was instigated by that party account sufficiently for the arrest of the white men?

Answer. Yes, sir; that accounts for the arrest of the white men. I am an attorney in the defense, and I know what the defense is; and I do not see any reason why the parties should be indicted.

By Mr. STEVENSON:

Question. How many white men were engaged in that riot?

Answer. I do not know. There were probably about one hundred and fifty white men in town that day; there were three or four drunk. I do not know how many were engaged in the riot.

Question. How many did you see firing?

Answer. Well, I didn't see any particular man firing. I heard, as I stated before, about forty or fifty shots.

By Mr. VAN TRUMP:

Question. How many negroes were there?

Answer. Between 1,000 and 1,500.

By Mr. STEVENSON:

Question. How many white men did you see engaged in the riot?

Answer. Well, I did not see any white men engaged in it—not one.

Question. Did you not see any white man fire a pistol?

Answer. I saw white men standing in the court-house door shooting up; but I never saw any white man shoot at a negro; and I did not suppose any of them were doing it till after the thing was all over.

Question. Whom did you see shooting pistols?

Answer. I do not recollect any one. I was sitting on the table; and I do not recollect seeing a single man shoot or fire a pistol that day.

Question. You do not recollect seeing anybody shoot a pistol?

Answer. No, sir; I do not recollect seeing a single man shoot a pistol that day.

Question. Do you mean to say that you did not see anybody shoot a pistol that day?

Answer. I saw, sometimes, arms sticking out of the door and firing from the door.

Question. Whom did you see standing in the door when you saw pistols fired from there?

Answer. I only saw arms sticking out. I was sitting on a table looking sideways. While the shooting was going on, my attention was most particularly directed to seeing the negroes run.

Question. And in the whole of that affair you cannot say you saw a single man fire?

Answer. No, sir, I cannot.

Question. Did you say you were president of the democratic meeting held on the other side of the court-house?

Answer. No, sir; I said I was present at that meeting.

Question. What was your position in the democratic party?

Answer. I am secretary of the central council of the democratic party of that county

Question. You had been present at the democratic meeting?

Answer. Yes, sir, I had been at the democratic meeting, and some gentleman was speaking at the time.

Question. You had noticed the crowd of democrats present?

Answer. Yes, sir.

Question. I understood you to say that, so far as you observed, no strangers were there from other counties or States?

Answer. There may have been strangers there, but I did not see them; I did not notice them; there may have been several there, but I did not see them.

Question. I understood you to say that most of the murderers of Boyd, the body of the crowd, were traced to Pickens County; did you say that?

Answer. No, sir; I said that the grand jury of Greene County made a report to that effect.

Question. What did the grand jury find as to the remainder of the crowd?

Answer. The report of the grand jury was published; I say the grand jury traced them——

Question. All?

Answer. I do not know whether it was all, or half, or one-third; but the report of the grand jury was that they traced them to Moore's Bridge, which crosses the Sipsy River, leading into Pickens County.

Question. Did the report of the grand jury convey the impression that they all went there, or only a part of them?

Answer. My impression from the report of the grand jury was, that they all went there; that none of them belonged to Greene County.

Question. You say that you defended old Sam Colvin?

Answer. Yes, sir, I defended him in regard to his complicity in killing young Snoddy.

Question. What is your impression as to where the men who hung old man Colvin came from?

Answer. I do not know where they came from.

Question. Is there any impression that they came from Pickens County?

Answer. Not that I know of; I never have heard where they came from; I only heard the old man was killed by disguised men.

Question. And Boyd was threatening to prosecute those men, and said he knew some of them.

Answer. Yes, sir; as I understood, Boyd said he had no doubt who some of them were, and that he intended to hold the grand jury in session six months, unless he had some of them indicted.

Question. And it was while he was talking in that way that he was visited and killed?

Answer. Not while he was talking.

Question. I mean about that time?

Answer. These things are attributed as causes of his having come to his death.

Question. It was during the time he was generally talking in this way, or shortly afterward, that he was killed?

Answer. Yes, sir; it is supposed that those declarations made in public had something to do with it.

Question. Was it soon after he had made them?

Answer. It was afterward.

Question. Soon after?

Answer. It was a short time after; that is, it was reported to be a short time. I never heard till after he was killed, when they were all assigning causes for it, that he had made them.

Question. Do you not think it probable that the same men who hung Colvin killed Boyd?

Answer. I have no idea who killed Boyd, and I have no idea who killed Sam Colvin.

Question. Do you not think it probable that the same outlaws who killed Colvin killed Boyd?

Answer. I have no opinion on that subject.

Question. Have you no impression?

Answer. No, sir; no impression. If I knew who killed Boyd, I could probably draw some conclusion as to who killed Colvin, or rather whether they were the same parties.

By the CHAIRMAN:

Question. How long after the riot at Eutaw did Brown make this affidavit at Demopolis?

Answer. It was during the term of court—the 1st of May, or a short time afterward; no, it was the latter part of the term of court. I recollect that these parties were carried down to Demopolis during the session of court. It was Saturday of the last week of the court.

Question. You mean in May last?

Answer. Yes, sir. I am not sure as to the time.

Question. Was not that the time they were at Mobile, before the grand jury?

Answer. Yes, sir; May last was the time they were at Mobile, and the making of the affidavit was about five or six months before that.

Question. Then it would be in November last?

Answer. When was the riot?

Question. In October; and I want to ascertain how long after the riot Brown made the affidavit before the commissioner at Demopolis?

Answer. A short time afterward, I think.

Question. You made the remark that after that firing from which, you suppose, the ball passed through your pantaloons, you got on the table, and were sitting there amused at the efforts of the negroes to get away?

Answer. Yes, sir.

Question. Was the firing of which you have spoken, as coming from the door of the court-house, going on at that time?

Answer. Well, a part of the time; they had started it and stopped; about twelve or fifteen shots had been fired.

Question. You did not consider that there was any very serious riot on the part of the negroes to indict them for, if you looked upon the firing as an amusement?

Answer. Well, sir, I had no idea that there was anything like a riot. I just thought that it was a general stampede; that some drunken fellows had got up a fuss for the purpose of scaring the negroes and seeing them run. I had no idea that any negro was hurt, till afterward.

Question. Was it an amusing spectacle to you to see half a dozen men firing out of the door toward that crowd?

Answer. They were not firing toward the crowd; I never saw a man shoot toward the crowd; the shots were fired up above; they were firing up in the air; I saw these men's hands raised.

Question. What was the shooting for?

Answer. Just to make the negroes run, and to scare them; I had no idea that the object was anything but to get up a general stampede.

Question. Did you see none of the negroes fall as if wounded?

Answer. I saw several of them fall. Nearly every firing some eight or ten or twelve would fall and roll up against the side of the fence, until they got the fence piled so deep that it gave way and fell.

Question. Had you then discovered that this ball had passed through your pantaloons?

Answer. No, sir; I had not discovered that, and I had not discovered that the negro of whom I have spoken was shot.

By Mr. BECK:

Question. Did not the legislature of Alabama in 1866, when composed of men who have since become democrats—before any negroes were in it, and before any carpet-baggers had gone there, ratify the thirteenth amendment, declaring slavery abolished?

Answer. Yes, sir.

Question. Then that amendment was ratified, and the negro was really freed in Alabama by a democratic legislature?

Answer. Yes, sir.

Question. Had not that legislature granted to negroes all the rights that white men had, including the right to testify in the courts?

Answer. Yes, sir, they had.

Question. Was that a democratic legislature?

Answer. Yes, sir.

Question. That was before you had any republican organization, or any negro voting, or any carpet-baggers there?

Answer. Yes, sir, and such is now the law of the State.

By the CHAIRMAN:

Question. That was after the dispatch sent by President Johnson to the legislature of North Carolina and Florida, stating that they could not be admitted under his policy, unless they ratified the thirteenth amendment?

Answer. I do not know what induced the legislature to do it.

Question. I am not speaking of the inducement; was it not after that dispatch had been made public that the thirteenth amendment was ratified by the Alabama legislature in 1866?

Answer. I think it was. I do not know what induced or influenced the minds of representatives. I was a member of the legislature at that time, and I know the thirteenth amendment was adopted unanimously, with the exception of about seventeen votes in the house.

WASHINGTON, D. C., *June* 23, 1871.

Hon. RICHARD BUSTEED, sworn and examined.

By the CHAIRMAN:

Question. You are the United States district judge in Alabama?

Answer. I am.

Question. Does your district comprise the whole State?

Answer. There are three districts in the State; I am the judge of each of the districts.

Question. Please state the knowledge derived by you from your official position and your residence there as a citizen, as to the execution of the laws and the security of property, person, and life in that State.

Answer. Do you mean the laws of the nation or the laws of the State?

Question. Either, so far as they affect the security of person, property, and life.

Answer. Of my own personal knowledge, I know of no interruption to the execution of the laws of the State or nation in the State of Alabama.

Question. Has there been anything to prevent the full and just administration of the laws in the Federal courts in which you preside, either in civil or criminal cases.

Answer. Never, except in one instance, since I have been in the State of Alabama.

Question. What was that?

Answer. The attempt of the State auditor to disobey an injunction of the district court of the United States in the middle district, issued to restrain the collection of a tax.

Question. He refused to obey your injunction?

Answer. He disobeyed the injunction under the direction and advice, as appeared subsequently, of William H. Smith, who was then governor.

Question. Did you attach him?

Answer. He was attached.

Question. Did you compel obedience to that order?

Answer. I did.

Question. Then the law was executed?

Answer. It was.

Question. Have you any knowledge of any combinations of any character in that State which either prevent the execution of the laws or interfere with the personal rights of any individual?

Answer. I have no personal knowledge whatever on the subject.

Question. What knowledge have you, derived from your position as a public officer, upon which you can place reliance sufficient to report the knowledge to this committee?

Answer. A year or more ago, at Huntsville, in the northern district of the State, an indictment was found in the district court of the United States against a number of persons (I forget the exact number) for an outrage upon a colored man. That indictment is untried. At a recent term of the district court of the United States in the middle district of Alabama, two indictments were found under the enforcement act of 1870, for alleged combination of persons to harm individuals. In relation to those two last cases I wish to say that the district attorney informed me that one of them was very apparently not upon political grounds in the least. It was the case of a very outrageous libel published by one man against another, the person who was so libeled meeting the person who had libeled him, together with another person, a negro, and beating him. Those are the only official cases I know of. Those two cases are also untried.

Question. In what county did that case happen for which the indictment was found at Huntsville?

Answer. I forget whether it was in Madison County or in some other county of the northern district.

Question. What was the character of the offense charged?

Answer. It was a very grave one. The ill usage of the negro was of a very aggravated character—exceedingly aggravated.

Question. What was the nature of the treatment inflicted upon him?

Answer. Beating him and assaulting him with knives. It was a very aggravated case apparently.

Question. Was it a case arising out of an altercation, or was it committed by persons in disguise?

Answer. I do not recollect which it was. I have no knowledge of the case except as judge of the district court, and from the communications made to me by the then district attorney of that district.

Question. Does your information enable you to say how that was?

Answer. It does not now; I have no such recollection as enables me to speak of it at this time.

Question. Have you such information as to the state of affairs in Northern Alabama as will enable you to say whether there has been any interference with the rights of

persons or property, or whether life has been taken, by combinations of individuals going in disguise?

Answer. I have no such personal information as enables me to state.

Question. Have you any such official information?

Answer. None.

Question. Have you any information that you can give to the committee as bearing on the subject which they have under investigation—the execution of the laws in that State, and the security of person, property, and life?

Answer. I have nothing but an opinion, based on my judicial action in the State, and my experience during my residence there.

Question. In what part of the State do you reside?

Answer. In three parts; at Mobile, at Montgomery, and at Huntsville

Question. You preside in those places?

Answer. I reside there as well as preside.

Question. Have you three residences in the State?

Answer. I have not any fixed residence; I have never been able to satisfy myself that I reside in any one part of the State as against any other part.

Question. Do you think that either witnesses or jurors are interfered with or threatened in any manner for attendance on your court, or for the discharge of their duties there?

Answer. Most certainly not.

Question. Have you recently held a court at Montgomery?

Answer. Yes, sir.

Question. Who was the foreman of the grand jury there?

Answer. A Mr. Perkins.

Question. Do you know him?

Answer. Slightly.

Question. Is he a man of intelligence and respectability?

Answer. He is a man of apparent intelligence; I know nothing of his character.

Question. You saw him in the discharge of his duties at court?

Answer. Yes, sir.

Question. Did he make any presentment as to the occurrence of these outrages committed by persons in disguise?

Answer. When the grand jury was discharged for the term they presented their report; it is hardly to be called a presentment, I think.

Question. It is not a presentment naming anybody?

Answer. No, sir.

Question. Did it find the general fact that outrages had been committed by persons in disguise in the northern portion of the State, or any part of it?

Answer. I think that upon reading it, you will find that they hardly found that as a fact; it was arrived at rather inferentially than as a fact, I think.

Question. Did you charge the grand jury at the commencement of that term?

Answer. I did.

Question. Did you charge that they were required to find any information of this kind, even although the law was distasteful to the people?

Answer. I did. I charged them that the action of Congress in respect to the enforcement law and the Ku-Klux legislation was within the power of Congress, and that however distasteful laws may be to people, they must be obeyed.

Question. Did you see any indication in the public press of the State, that for the discharge of his duty as foreman of the grand jury under your charge, Perkins ought to be the subject of a Ku-Klux outrage?

Answer. I think the report the grand jury made was not warranted by the circumstances as they existed.

Question. That is not the question. After the discharge by Perkins of his duty as foreman of the grand jury under your charge, and the making of his report, did you see any indication in any of the newspapers of the State that he would be a fit subject for a Ku-Klux visitation?

Answer. No, sir. There were proceedings taken before me by the district attorney, Mr. Minnis, growing out of an article in the Selma Times; and an application was made for a bench warrant for the arrest of Mr. Sappold, the editor of the Times.

Question. Is the article of which you speak the one in which these sentences occur, referring to Mr. Perkins and his associates?

"Our opinion was then, and is now, that, if any hanging is ever to be done in this section by Ku-Kluxes, that the men whose names were attached to that circular would be a judicious selection, and one eminently fit to be made. But Mr. Perkins, esq., though he did not sign that card, goes to Montgomery, and in his official capacity as foreman of the grand jury of a United States district court, says that 'in this district there have been frequent and outrageous violations of law,' and by thus speaking, calls for the enforcement of the infamous Ku-Klux bill?"

Answer. I think that is the article.

Question. The article from which I have just read appeared in the paper dated May 30, 1871. Was that about the time?

Answer. I think it was. If I had my scrap-book here, I could tell you accurately.

Question. Did you look upon that as an incitement to outrage against the foreman of the grand jury because of the discharge of what he deemed his duty, whether he was mistaken in his view or not?

Answer. My recollection of the article is, that the reference to the hanging by Ku-Klux was referable to some other paper which Mr. Perkins had signed while a resident of Selma.

Question. State whether the article which I now hand you is the article to which you refer. If so, it will be appended to your testimony?

Answer. (After examining the article.) That is the article. [See pages 329, 330.]

Question. That appeared after Mr. Perkins had acted as foreman of the grand jury in your court?

Answer. I believe it did.

Question. Did you look upon that as having no tendency to interfere with the administration of justice in that court, or to incite to the commission of violence upon the foreman of the grand jury for having discharged his duty?

Answer. I did not so regard it.

Question. What was the party politics of Mr. Perkins; was he a democrat or a republican?

Answer. I really do not know.

Question. Have you any knowledge of the party character of the paper in which the article referred to was published?

Answer. I believe it to be a democratic paper; and that part of the article which speaks about the hanging by Ku-Klux, refers to an act of Mr. Perkins which had reference to the Selma people—some document or other which had been published up there.

Question. Is there any state of public sentiment in that part of Alabama which is calculated to interfere with the execution of either of the acts of Congress you have referred to—the enforcement act of 1870, or the Ku-Klux law of 1871?

Answer. I think there is a very decided public sentiment against them both. I do not think that public sentiment goes to the extent of any desire or attempt to interfere with the execution of those laws.

Question. Have you yet tried any cases under either of them?

Answer. No, sir. I gave a construction to the sixth section of the act of 1870 upon an application to me as a committing magistrate in the middle district. I gave such a construction as gave effect to the law of Congress. I held that the law was intended to embrace every combination of two or more persons to do any injury to any citizen in any respect touching his life, his property, or his happiness. Subsequently, when I was holding the circuit court with Mr. Justice Woods, at Mobile, the same question in substance arose upon a motion to quash the indictments, if I recollect aright. Mr. Justice Woods concurred with me in the view which I had previously taken of the enforcement act; and he wrote and read the opinion of the court on that subject. In charging the grand jury in the middle district at Montgomery within a short time, I reaffirmed the power of Congress to pass this legislation, but there have been no trials of indictments found either under the enforcement act or under the Ku-Klux legislation.

Question. We understood you as expressing the opinion that the facts did not justify the finding of the grand jury of which Perkins was foreman?

Answer. The presentment you mean; I did think so.

Question. That presentment was that there were numerous outrages committed by persons in disguise against citizens in the northern district of the State?

Answer. I think not. I have the presentment at my hotel.

Question. There is a quotation from that presentment in the article already referred to?

Answer. Well, the article written editorially and the quotations will give you no idea of the presentment itself.

Question. What was the general effect of the report or presentment, whichever you call it?

Answer. It was rather an argument derived inferentially from what did not appear before the grand jury than from what did appear before it. It was rather an argument by inference than a statement of fact.

Question. Were you acquainted with the testimony given before the grand jury?

Answer. I could not be, of course.

Question. That testimony was known only to them?

Answer. I presume so.

Question. Your opinion is based upon your want of information?

Answer. Upon this report.

Question. I speak of the existing state of affairs in that portion of the State. You

said you had not information which would enable you to speak of the condition of things there?

Answer. I have no information that enables me to state whether there have been any violations of law other than those which have been presented in the form of indictments in my own court.

Question. The grand jury spoke from testimony with which you were not acquainted?

Answer. I do not know about that.

Question. You do not know upon what evidence they made their report?

Answer. My recollection of the report and its weakness is that it rather argues inferentially from the absence of witnesses than makes positive statements from the presence of witnesses; that is my recollection.

Mr. VAN TRUMP:

Question. Was that patent on the face of the paper?

Answer. That is my idea.

By the CHAIRMAN:

Question. Taking that view, to what motive do you attribute this article suggesting that these persons would be the proper subjects of a Ku-Klux visitation? What effect do you think that would be likely to have upon a community in which it is alleged there are bands of Ku-Klux?

Answer. For my own part I pay very little respect to the vaporous and rabid writings of political editors; I have very great contempt for them myself; they have no influence upon me; I cannot suppose they influence other people very greatly.

Question. I am not asking for their influence upon you.

Answer. I suppose they do not influence others. I judge others by myself. I suppose that gentlemen of education, intelligence, and courage disregard with great contemptuousness such publications; I know I do.

Question. Have you any knowledge as to who compose the class called Ku-Klux, in that State, if such exist; are they gentlemen of education and intelligence?

Answer. I think they were, sir; I think that as a general thing they were; those who did compose such organizations I have no doubt were gentlemen of education and intelligence.

Question. To what extent did those organizations exist, in your belief?

Answer. Well, my opinion on that point is the merest matter of belief; I believe that they did exist to a very considerable extent in the northern district of the State at one time.

Question. How long since?

Answer. Perhaps a year and a half ago.

Question. To what part of the State do you wish your remarks to apply; can you name the counties which compose the northern district?

Answer. You have me at a disadvantage; I cannot do it.

Question. You could with the map before you?

Answer. Yes, sir. (Witness examines map.) I should name Lauderdale, Jackson, Franklin, Lawrence, Morgan, Marion, Winston, Blount, Madison, Calhoun, and there may be others. I do not speak very familiarly about it.

Question. Those are the counties in which, according to your belief, the organization did exist a year and a half ago?

Answer. On the assumption that they are within the northern judicial district, I refer to those counties.

Question. Did the organization commit any violations of law in that portion of the State?

Answer. Not to my personal knowledge.

Question. For what purpose did the organization exist, so far as your information goes?

Answer. I do not think I can give a very accurate answer. I do not know.

Question. What were the facts which impressed upon you the belief that the Ku-Klux organization did exist?

Answer. The fact that I was so informed.

Question. And was composed of men of intelligence?

Answer. The fact that I was so informed.

Question. From whom did you derive that information?

Answer. From a gentleman resident in Madison County, at Huntsville.

Question. Who was he?

Answer. I prefer not to give his name. I have no doubt he was entirely sincere in giving me the information.

Question. Did he speak of it as information that was positive?

Answer. He did.

Question. He had positive information of the existence of Ku-Klux?

Answer. He had.

Question. Unless there is some reason of public policy why his name should be withheld, he is the very gentleman whose name we would like to have.

Answer. I cannot give his name unless I am compelled; and I trust I shall not be compelled.

Question. Do you decline to give his name?

Answer. I hope you will not put me in that attitude. I think the information was confided to me confidentially, and unless there be some reason of public policy requiring it, I trust you will not compel me to answer. I believe what he said to be true.

Question. Do you believe he was a member of the organization himself?

Answer. I do not; I know he was not; but he was a southern gentleman, and a man whose opportunities of knowledge were very good.

Question. Have you any objections to stating what he said?

Answer. Not the slightest. He merely stated that the Ku-Klux did exist in the northern district of the State, and that he had seen them.

By Mr. POOL:

Question. Did he state the purpose of the organization?

Answer. No, sir.

By the CHAIRMAN:

Question. That was the extent of the information he gave you?

Answer. That was the extent of it; and aside from that I have no personal knowledge on the subject of the existence of the Ku-Klux.

Question. Did he say how extensive the organization was?

Answer. No, sir.

Question. Did he state whether it existed in each of those counties?

Answer. No, sir, he did not state.

Question. Did he state how many members were in it?

Answer. No, sir.

Question. Unless you have some other fact bearing upon the general subject of inquiry, which you deem it proper to communicate to the committee, I have no further questions to ask.

Answer. I do not know of anything that I can on my own motion suggest to you which would be desirable or useful.

By Mr. BLAIR:

Question. When were you appointed judge?

Answer. In 1863.

Question. By whom?

Answer. By President Lincoln.

Question. You have not been in the State of Alabama all the time since your appointment?

Answer. I have not. I first held court in Alabama in November, 1865. I first went into the State in July, 1865.

Question. Have you had any difficulty in executing the laws or the orders of the court?

Answer. Not the slightest, except in the case to which I have referred.

Question. What is the demeanor of the lawyers, jurors, and suitors in the court?

Answer. Always respectful—utterly so to the court. I choose to make a distinction between the court and the person who fills the office of judge.

Question. Is it necessary to employ the United States troops to enforce any of the orders of the court?

Answer. Not in the least.

Question. What, in your opinion, is the condition of Alabama as respects obedience to the Government of the United States?

Answer. I think that the people of that State are resolved upon obeying the laws of the country. I think they are not disposed to approve any violations of public law.

Question. Do you know anything in regard to the riot at Eutaw, except as it comes before you officially?

Answer. Not except as it comes before me in my capacity as judge of the circuit court at Mobile, and as I read it in the newspapers of the State.

Question. There has been no trial yet?

Answer. No, sir; those cases were adjourned upon motion of the Government for the term. The Government was not ready to try them when we held circuit court last at Mobile. That was, I think, in April of this year.

Question. What is the character of persons holding office in the State of Alabama under the constitution of 1868?

Answer. Their general character for intelligence is not good, and their general character for honesty is not good.

Question. Do they command the respect of the people of the State?

Answer. They most certainly do not.

Question. Which class of persons in the State supplies the greatest number of criminals, the whites or the blacks?

Answer. The black people. They are the most ignorant; and ignorance is apt to furnish more criminals than knowledge.

Question. Do you know anything of the financial condition of the State?

Answer. I do not, except as I read it in the newspapers and in the reports of the money-market.

Question. How does it appear from the reports of the money-market?

Answer. The financial condition of the State of Alabama is very good indeed, much better than it was.

Question. Better than it was at what time?

Answer. It is better to day than it was during the administration of William H. Smith as its governor, a great deal better.

Question. Do you know anything of the character of a man named Rev. Mr. Lakin?

Answer. I know Mr. Lakin.

Question. What do you know of him?

Answer. He has called upon me when I have gone to Huntsville to hold court; and that is about all I know of him.

Question. He made a statement here in reference to your court. He was speaking of parties who had been identified and indicted before the United States court at Huntsville under the civil-rights bill. I will read a part of his examination:

"By Mr. STEVENSON:

"*Question a.* Have they been tried yet?

"*Answer.* No, sir. There never has been one of them tried in that court. I think there were some thirty-three indictments, as I learned from the foreman of the grand jury, and from one of his colleagues; and seven of those indictments were for manslaughter and murder in the first degree."

Were there thirty-three indictments in your court, and seven of them for manslaughter and murder?

Answer. Oh, no, sir; nothing of the kind.

Question. Then that statement is false?

Answer. Well, it is not the fact.

Question. He says that of all those thirty-three persons indicted, but two had been arrested, although seven of them were murderers, and that the two arrested were arrested for illicit distilling. Is that statement true?

Answer. I should think not. I am not the district attorney, and I am not the marshal. I can only speak from such knowledge as would naturally come to me as judge; I do not know anything about it; but I do not think it can be true.

By the CHAIRMAN:

Question. The question which has been asked is whether the facts stated are true; not whether it is true that Charlton stated them to Lakin.

Answer. I do not think the facts can possibly be as stated: I think if so they would certainly have come to my knowledge.

By Mr. BLAIR:

Question. If there had been thirty-three indictments found in your court under the civil-rights bill, and seven for manslaughter and murder, is it not a very striking fact, which would come to your knowledge?

Answer. I think it certainly would have come to my knowledge: it would have been very extraordinary if it had not. The then district attorney was a zealous, faithful officer, and my relations with him were those of personal kindness and free intercourse.

Question. As this is an entirely new class of cases, in which the court before had no jurisdiction, the finding of so large a number of indictments, and for crimes so grave as manslaughter and murder, could not, under the circumstances, have escaped your attention?

Answer. I think not: I think it would have been impossible.

Question. I read also from the testimony of Mr. Lakin, the following: "Before Judge Charlton reached his home in Summerville he was clandestinely murdered, in Decatur, in the night, seven buckshot entering his body." Do you know anything about that?

Answer. I know that he was murdered; but as I understand the fact, it was not on his return from doing duty as a grand juror. The court had adjourned. Judge Charlton had been into another state; he took the train of cars for Decatur, and was going, as I am informed, to the house of a Mr. Hinds in Decatur, when he was murdered in the way described.

Question. Is it known for what he was murdered?

Answer. There are two theories upon that subject. He was a very excellent foreman of a grand jury, and appeared to be a very desirable, good citizen. There are two theories as to the manner of his death. There is a theory that his acting upon the

grand jury made him obnoxious to some persons; and there is a theory that he was one of two clans in the neighborhood that were constantly at war one with another.

By Mr. VAN TRUMP:

Question. What sort of clans?
Answer. I mean arising out of private family feuds.

By Mr. POOL:

Question. Was he foreman of the grand jury of the United States court at Huntsville?
Answer. He was.

By Mr. BLAIR:

Question. The statement is: "Before Judge Charlton reached his home in Summerville he was clandestinely murdered in Decatur, in the night."
Answer. If that statement is intended to convey the impression that his murder took place upon his return from executing his duties as foreman of the grand jury, it is an error, as I am informed and believe. I have no personal knowledge on the subject.
Question. I read further from the testimony of Mr. Lakin:

"By Mr. POOL:

"*Question.* Have any of those parties who were indicted at that time been arrested at all?
"*Answer.* No, sir. Their names are not on the marshal's books at all. There have been no capiases issued, and consequently no arrests and no trial.

"By Mr. BLAIR:

"*Question.* This was in the United States court?
"*Answer.* Yes, sir.

"By Mr. VAN TRUMP:

"*Question.* How long ago?
"*Answer.* A year ago last fall.
"*Question.* Do you know the reason why they have not been prosecuted?
"*Answer.* I think our courts in Alabama are a farce; not only a farce, but a mockery.
"*Question.* The United States courts?
"*Answer.* I think all of them put together are."

The CHAIRMAN. It is proper to remark that Mr. Lakin appeared afterward and made an explanation of that part of the testimony.

Mr. BLAIR. What was his explanation?

The CHAIRMAN. It is on page 153 of the testimony. I will read it:

"*Question.* You have expressed a wish to me to make an explanation of a statement which you gave in your testimony yesterday regarding the courts of Alabama. You may now go on and make whatever explanation you wish on that subject.

"*Answer.* I wish to say this: I intended, in what I said, no reflection upon the judges of the courts. I am not a lawyer; but on mature reflection I am of the opinion that, in legal parlance, what is meant by the term 'court' is the presiding judge. I had no intention of casting any reflection upon the judges of the courts. I know most of the judges in Alabama, and am very intimate with some of them. I regard them as above suspicion, men of fine legal abilities, and I know the earnest and persevering efforts they have made to bring criminals to justice. My remark was based upon this fact: That in regard to all of the murders and outrages that I have known in Northern Alabama I have not known of one person brought to justice and punished. The judges have delivered very able and pointed charges to the grand juries, but somehow criminals have slipped through the courts unwhipped of justice. When I said that our courts were a farce I had no reference whatever to the judges; I simply meant that there was a system of influences, or something of that sort, which has enabled criminals to escape unwhipped of justice; that is my meaning exactly."

Mr. BLAIR. I was not present when he made that explanation. I was struck by his first statement on the subject, and also by the statement to which I have drawn the attention of Judge Busteed, in reference to the number of indictments in the United States courts. I knew it was impossible that indictments to that number under that law and for such grave offenses could have been found without the judge knowing it.

Answer. The indictment in the northern district to which I have referred as untried was postponed, by consent of the district attorney, at the last session of the court in Huntsville, which was also in April of this year. The court has always been ready to try the indictments.

By Mr. BLAIR:

Question. Do you know Senator Warner?
Answer. I do, slightly.
Question. Was he ever summoned to serve as a juror in your court?

Answer. He was.

Question. Did he excuse himself from service?

Answer. He did.

Question. What was the ground of his excuse?

Answer. That he was a member of the senate of the State of Ohio.

Question. When was that?

Answer. My recollection of dates is exceedingly poor. I think it was in 1867; although I would be unwilling to state it with any degree of positiveness.

Question. Do you know of any indictments in the district courts of Alabama for the violation of the election law?

Answer. I do not think any such indictment exists in the courts of the United States there. The only cases I recollect are those I have already referred to, the case at Huntsville, the two cases in which indictments were recently found by the grand jury at Montgomery, and the cases growing out of the disturbance at Eutaw, which were postponed at the circuit court in Mobile.

Question. At whose instance were those cases postponed?

Answer. At the instance of the defendants, but upon the necessities of the Government. The Government was not ready to try them, and the court was of the opinion that the defendants ought not to be longer held; that they were entitled to either postponement or a trial.

By Mr. VAN TRUMP:

Question. You have a law in Alabama to that effect?

Answer. I do not know about the State law. At all events, the court was clearly of the opinion that they must either be tried or their cases be postponed, for it was unwilling to hold the defendants there at the mere will of the Government for any purpose.

By Mr. BLAIR:

Question. To what time were these postponed?

Answer. Till the fall term of the circuit court at Mobile.

By Mr. STEVENSON:

Question. The Government wanted a postponement till a later day in the term?

Answer. It asked that.

Question. At the term spoken of, about a year ago, do you know how many informations or presentments to the grand jury were made out? I do not mean bills actually found, but cases presented to the grand jury.

Answer. I do not think there were more than two; that is my recollection.

Question. I mean of all criminal cases.

Answer. I speak of criminal cases arising under the enforcement act.

Question. I speak of all cases.

Answer. I do not know.

By Mr. BLAIR:

Question. There could not be any other criminal cases except for violation of the revenue laws?

Answer. Only violations of the revenue laws.

By Mr. STEVENSON:

Question. I speak of all cases.

Answer. There were not many; I do not recollect the number.

By Mr. BLAIR:

Question. I wish to call your attention to a statement of Mr. Lakin, referring distinctly to this class of cases: "*Answer.* It was reported that they were all indicted. It was before the United States court under the civil-rights bill."

Answer. That statement is exceedingly wild—nothing could be much wilder.

Question. What in your judgment is the condition of affairs in Alabama, as to the execution of the laws generally, and as to the protection of life, liberty, and property in the State?

Answer. I am of the opinion that life and property are just as safe to-day in Alabama as they are in any of the other States of the Union. I think there has been a very marked change in these respects since the inauguration of the present governor of the State. While William H. Smith was governor of the State, I complained with a great deal of bitterness, in a long letter which I wrote to Senator Spencer, as to the want of protection to life and person; but I am of the opinion that life and property are as safe in Alabama to-day as they are anywhere.

By Mr. POOL:

Question. Mr. Lakin in his testimony says that he is not a lawyer. He says, "It was

reported that they were all indicted." He also says, "I think there were some thirty-three indictments, as I learned from the foreman of the grand jury and from one of his colleagues." Do you know whether the grand jury had as many as thirty-three of this class of cases under investigation?

Answer. I have no idea that they had.

Question. Did they have any under investigation?

Answer. They must have had, because there was one indictment found.

Question. Is it not possible that Mr. Lakin, being as he states, no lawyer, may have mistaken an investigation before the grand jury for an indictment?

Answer. I think not. Mr. Lakin is a preacher, and he is a man apparently of certainly ordinary intelligence and capacity.

By Mr. BLAIR:

Question. What is Mr. Lakin's general character in the community?

Answer. I do not know, sir. I concern myself very little with the general reputation of any person; very little indeed; not at all. I resist with very great industry any scandal. I have done so all my life, and propose to do so.

By Mr. VAN TRUMP:

Question. Is he not understood to be pretty wild in his imagination in regard to facts?

Answer. Those statements read to me by Mr. Senator Blair are exceedingly wild. Mr. Lakin has been before you, and you are all judges of human character. He is a man that talks a great deal.

Mr. BLAIR. We want this testimony, not simply for our own information, but for the information of others.

Answer. He is possibly a man who makes statements without as much attention to a basis for them as might sometimes be desired. I should judge that from the conversations he has had with me when he has called upon me at Huntsville.

By Mr. POOL:

Question. Why have not those indictments other than for the Eutaw riot been tried?

Answer. You refer to the one at Huntsville, and the other two at Montgomery?

Question. Yes, sir.

Answer. The one at Huntsville has not been tried, because it was postponed by consent of the United States district attorney and the persons appearing for the defense. The two cases at Montgomery have not been tried because the indictments have just been found; they are not two months old. These indictments were found under the construction I gave to the enforcement act of Congress.

Question. Did the grand jury in the publication to which you have referred—that report made to the court or whatever it may be called—complain that they could not get witnesses before them?

Answer. I prefer to speak of that report with a copy of it before me. I do not think my memory of its contents sufficiently accurate to enable me to speak of it.

Question. You have that report at your hotel?

Answer. Yes, sir.

Question. Have you any objections to furnishing it to the committee?

Answer. No, sir. I could also furnish, if desired, the proceedings upon the application of the district attorney for a bench warrant against the editor of the Selma newspaper and the answer which was filed to a rule *nisi*, which I granted instead of a bench warrant, and the opinion of the court which I delivered upon the application itself.

By the CHAIRMAN:

Question. Is the report of the grand jury a part of those proceedings or is it a separate paper?

Answer. I have it separately and can furnish it if you desire it.

By Mr. POOL:

I desire that the report should accompany this evidence. [See page 330.]

By the CHAIRMAN:

Question. Have any of these Ku-Klux outrages, so far as you have heard, been complained of since the change of administration in the State government?

Answer. My impressions are that there have been some since. That is my general recollection of the newspaper reports.

Question. Have the perpetrators of any of them been brought to justice?

Answer. I do not know, sir.

Question. Had any been before?

Answer. I do not know.

Question. So far as regards that class of outrages, has there not existed under all administrations the difficulty of finding out the guilty parties and identifying them?

Answer. I think that difficulty has existed.

Question. Has it been removed by any change of administration?

Answer. I think the only remedy that has been found is the legislation of Congress and the investing of the national courts with jurisdiction of the crimes committed by combinations of persons.

Question. Up to this time has there been, so far as you know, any conviction in either the State or the Federal courts for what is popularly known there as a Ku-Klux outrage?

Answer. I do not know anything about the State courts at all. There have been none in the Federal courts.

By Mr. BLAIR:

Question. Have you a copy of your charge to the grand jury at Huntsville?

Answer. I have it at my hotel.

Question. Please send us a copy that it may be made a part of your testimony. [Witness did not furnish the document.]

By Mr. POOL:

Question. Has the passage of the recent acts of Congress had a good effect in the State of Alabama in suppressing this kind of lawlessness?

Answer. I do not know. I do not think sufficient time has elapsed to determine that question. My impressions are that the legislation of Congress in that respect is destined to effect a public good. I think it is destined to repress violence at the hands of persons who might otherwise hope to escape by the leniency of a State administration. I think it will have a good public effect so far as that violence and disorder are concerned. I do not mean to express an opinion as to its political character or effect at all.

By Mr. STEVENSON:

Question. Do you know how many persons were included in the indictment found at Huntsville?

Answer. I think some four or five; that is my recollection, although about that I am not positive.

By the CHAIRMAN:

Question. You do not refer to the whole number of persons against whom indictments were sent before the grand jury?

Answer. I refer to the number of persons who were indicted by the grand jury.

By Mr. STEVENSON:

Question. I mean indictments under the civil-rights bill

Answer. That is the only indictment pending under the civil-rights bill; and I think it is the only one existing under that bill in the district.

By the CHAIRMAN:

Question. How many indictments altogether, of all classes, were before the grand jury at that term?

Answer. There were very few; perhaps not half a dozen of all classes.

Question. I mean at the term during which Judge Charlton was foreman.

Answer. At that term there were not half a dozen.

By Mr. STEVENSON:

Question. Do you know how many persons those half dozen indictments involved?

Answer. The indictment under the civil-rights bill involved say half a dozen; and I should think there was not more than one person embraced in each of the other indictments; they were indictments for violations of the revenue laws.

[From the Selma Times, May 30, 1871.]

J. L. PERKINS, Esq.—The above gentleman, a resident of this county, and treasurer of it, an ex-mayor of this city, has, by the grace of God and his general good luck, been acting in the distinguished position of foreman of the United States district court, now in session at Montgomery.

We have always felt disposed to consider the above-named Perkins, esq., as rather an amiable gentleman, who had been improperly influenced by older heads, or rather longer ones, and in many instances his proverbial amiability had been imposed upon by men less scrupulous and less honest than he, and who were using the aforesaid Perkins, esq., as a "cat's-paw" to pull their own chestnuts from the fire. In the incendiary document which was disseminated here just prior to our election, and to which his name was attached, we took occasion, as soon as we saw the circular, to say tha we did not believe that he had ever signed it, and that his name had been used with-

out his knowledge or consent. Perkins, esq., come out in a card and denounced the document; and we published it for him. Our opinion was then, and is now, that if any hanging is ever to be done in this section by Ku-Kluxes, that the men whose names were attached to that circular would be a judicious selection, and one eminently fit to be made. But Perkins, esq., though he didn't sign that card, goes to Montgomery, and, in his official capacity as foreman of the grand jury of a United States district court, says that in "this district there have been frequent and outrageous violations of the law," and by thus speaking, calls for the enforcement of the infamous Ku-Klux bill. If Perkins, esq., thought, and had the evidence, that these outrageous violations of law had been, or were, transpiring in this district, why did he not, as foreman of the grand jury, with the power of the United States to back him, force the attendance of witnesses and make out a case against the offenders? Why act the skulker and ask to be discharged from the duties devolving upon him as a grand juror, and say in the same breath in which he charges these violations of law and order, that, "believing that ourselves are no longer required in the interest of the Government, we ask to be discharged?"

In Northern Alabama Judge Busteed, from the bench, commended the people for their general good behavior and obedience even to distasteful statutes; but here in the middle district, where order has been almost universal, it remains for an ex-mayor of the "central city," the treasurer of the county, to traduce us as a people, and to report such violations of "law and order" as would justify a declaration of martial law, and a suspension of the writ of habeas corpus under the enforcement bill. In the name of the people, both white and black, of this county and district, we denounce the report of the grand jury of which Perkins, esq., was foreman, as a vile slander which cannot be substantiated by the facts, as is evidenced by his asking to be discharged without doing a single thing to prove the truth of the presentments offered. Perkins, esq., you made a mistake.

Report of grand jurors of middle district of Alabama.

To the Hon. RICHARD BUSTEED:

The grand jurors of the middle district of Alabama beg leave to make their report.

We regret to be compelled, from the evidence brought before us, to say we are forced to the conclusion that in some parts of this district there have been frequent and outrageous violations of law. Without provocation, both white and colored persons have been beaten, whipped, shot at, wounded, and some killed, while in the peaceable pursuits of the rights secured to them by the Constitution and laws of the United States, by persons in most instances disguised, and whom it has not been possible, from the evidence before us, to identify, except in the cases reported by us. We deplore this state of things, and wish thus publicly and officially to express our disapprobation and to denounce all who are engaged in them, and pledge ourselves to put a stop to them, so far as in our power, and call upon all good citizens throughout the State to aid the authorities to bring these criminals to justice. We owe it to ourselves, our citizens, and to the fair fame of our State to do this.

We are happy, however, to state that we find nothing in the evidence before us to implicate the great body of the people in these outrages, or to show that there is any organized band of Ku-Klux (so called) throughout the district, but believe that the great mass of the people are opposed to such an organization, which exists only in certain localities in the counties of Macon, Coosa, and Tallapoosa, and these confined to a few persons.

With these views, and believing that our services are no longer required in the interest of the Government, we ask to be discharged.

J. L. PERKINS,
Foreman Grand Jury.

We object to the report on account of its generalities, preferring to specify the particular occurrences.

BENJ. F. NOBLE.
WM. H. SMITH.

Resolved, That the thanks of this grand jury are due, and hereby tendered to the Hon. Richard Busteed, for his able, dignified, and impartial charge to us, and for his gentlemanly bearing toward us, while engaged in the discharge of our duties; and also to the Hon. J. A. Minnis, district attorney, for his ability and courtesy while assisting and advising us as to the cases before us, and also to Hon. R. W. Healy, United States marshal, and other officers, for their politeness and care for our comfort.

J. L. PERKINS,
Foreman Grand Jury.

WASHINGTON, D. C., *June* 23, 1871.

TURNER REAVIS, sworn and examined.

By the CHAIRMAN:

Question. In what part of Alabama do you reside?

Answer. In Sumter County, about ten or twelve miles from the line between the States of Mississippi and Alabama.

Question. How long have you lived there?

Answer. Since July, 1838.

Question. What is your occupation?

Answer. An attorney—a practicing lawyer.

Question. Have you held any public position in that county or State?

Answer. I was a circuit judge before the war.

Question. Do you hold any public position now, or are you practicing your profession?

Answer. I am practicing my profession; I hold no public position. I resigned the office of circuit judge, and have held no public position since, except that I was a State senator during four years of the war.

Question. Do you practice your profession throughout the circuit?

Answer. Yes, sir; I practice it in every court in the circuit which is presided over by Judge Smith; and I practice in several counties along the line in East Mississippi; also in Mobile and in Montgomery.

Question. Give to the committee your view of the condition of affairs in that portion of the State so far as regards the execution of the laws and the safety of life, person, and property.

Answer. Well, sir, I have been very well acquainted, for a good many years past, in the counties of Choctaw, Ringgold, Sumter, Greene, and Pickens. They compose the judicial circuit now, and I am at this time pretty well acquainted with the state of things there, and with the state of public feeling. My impression is that there is more respect for law and there is less crime committed now, and more peace and quiet among the people, both white and black, than there has been at any time since the close of the war. But there are occasional crimes committed yet, though they are not so frequent as formerly.

Question. Is there any obstacle in your courts to the administration of justice between man and man as affecting civil rights?

Answer. I think not.

Question. Is there anything which prevents the trial, conviction, and punishment of criminal offenders?

Answer. I think not. We have mixed juries, white and black, and the bar practice before them as if they were all white, and the verdicts are about as correct, generally, as they were at any time before the war, both in civil and criminal cases. The state of feeling toward the judge of that circuit was very strong against him at first, but I think now—in fact I know—he is treated both by the bar and the law-abiding citizens generally, who compose the great mass of the people, with the respect, courtesy, and kindness, which are not only due to him as a man, but to the station that he occupies. In one county I have heard that he was not on one occasion treated with that courtesy he was entitled to, though he was treated with perfect respect while on the bench. I heard too that he was so unpopular with a small portion of the people of Choctaw County that some desperate, lawless men had burned his mill and his gin-house during this last spring. On one occasion I saw an attempt of some drunken, desperate young men to commit violence upon him. He was very calm and self-possessed. He was unarmed and they were armed—openly armed. I was with him; we were walking from the court-house. He told them that they were taking advantage of him; that he was not armed and they were; and he would not make any explanation; he would not talk to them under those circumstances. They wanted him to make some explanation of some remark he had made on the public highway. He was perfectly calm and self-possessed, and he declined to do it. Through my own personal influence I induced those young men to go away and let him alone. That was the last of it. That is the only personal disrespect that I ever saw manifested toward him, and I know of no effort on any occasion to prevent him from holding court except the latter part of April last, when he should have held a court in Sumter, and could not on account of his being sick. I understood that while he was sick he received an anonymous letter warning him not to cross the Choctaw line. He had to cross that line to come to Sumter. I, myself, wrote to Judge Smith that I did not think there was anything in that; that that was from some criminal who did not want to be tried, and that he (the judge) could go there and hold court with perfect safety, and that I would guarantee for myself and the bar, and the people generally, that he should be treated with perfect kindness and respect; but unfortunately he was too ill to hold court. Those are the only occurrences since Judge Smith has been on the bench that indicate any difficulty in the administration of justice there. I do not think there is any difficulty.

Question. Have you any knowledge of proceedings in either of those counties calling upon him to resign his office?

Answer. I have no personal knowledge of it. I saw resolutions printed in the county paper requesting him to resign. I was not present at the meeting, and I had nothing to do with it. If I had been there those resolutions would not have been passed, I think.

By Mr. STEVENSON:

Question. That was in your own county?

Answer. Yes, sir. I do not live at the county seat, but seventeen miles north of it. Those resolutions were very decidedly condemned by at least 95 per cent. of the white people of the county; and it was well understood, I think, both by Judge Smith and the people, that those resolutions were passed in the interest of a man who wanted the place himself in case Judge Smith could be forced out of it. There was nothing threatening in the resolutions. They merely stated that he was in possession of an office which belonged to another; that the result of the elections had condemned the office-holders of the republican party, and that he ought to resign; and the resolutions concluded by requesting him to do so. I received a letter from Judge Smith on the subject, and I advised him not to resign. I think he would have resigned if those resolutions had not been passed. I advised him not to resign; and the members of the bar unanimously concurred in a letter which I wrote him requesting him not to resign, and assuring him of perfect safety if he should come and hold court, and of perfect respect to him both on and off the bench. It has not been long since I saw him at one of his courts in the circuit—in Pickens County. During the term Judge Smith was treated with perfect kindness and perfect respect both on the bench and off. He was invited out to dine and sup with the best citizens of the place, and was treated in all respects as a native southerner, and indeed he is so treated wherever he goes. But there are a few desperate, bad men who write threatening letters and try to intimidate the judge, because they are personally interested in the criminal docket, and perhaps would act in the same way toward any other judge.

Question. In the discharge of his official duties, have you seen anything either with regard to his capacity, fidelity, or integrity which would justify a proceeding of that kind asking him to resign?

Answer. None whatever. When those resolutions were offered, some of the members of the bar came to me and proposed that we should write a letter to Judge Smith condemning, so far as we were concerned, and so far as the law-abiding men of our part of the county were concerned, those resolutions, and desiring to be understood as reprobating them in every respect. We finally concluded, however, that it would be better to call upon Judge Smith, when he came to our county to hold court, and in a public manner express our disapprobation of those resolutions, and our approbation of his conduct as a judge. I have practiced before Judge Smith ever since he has been on the bench, and he has been, I think, as good a judge, for the experience he has had as a judge, as I ever knew. I think he is strictly impartial and honest; he is perfectly gentlemanly and courteous; and not a man has ever said a word about him to his prejudice in my presence, except that they call him a "carpet-bagger." That is the only thing that can be alleged against him—that they regard him as an intruder.

Question. So far, then, as the constitution of the court in that circuit is concerned, does it present in itself any obstacle to every man having his rights properly adjudicated?

Answer. I think that Judge Smith is as impartial and judicious in the administration of his duty as a judge as any man I ever knew. I have a very kind regard for him myself. When he first came there to hold court, the political feeling was very strong against all that class of citizens who are commonly called "carpet-baggers" and "scalawags." I had never seen Judge Smith myself. I went round to members of the bar on the day that court was to convene, and told them I thought it was our duty to treat Judge Smith with proper respect, and we ought to go and call upon him and assure him he would be treated with the respect that was due to the place he occupied. Being one of the older members myself, I proposed we should all call upon Judge Smith and assure him of the treatment that was due to him as a judge. I led the way and all the members of the bar followed my example. There has never been the slightest difficulty between him and any member of the bar, nor between him and any suitor in court, except this unauthorized attempted assault which I mentioned awhile ago.

Question. Probably that is the case of which he gave us an account himself, where young men came into the court-house armed.

Answer. That is the same gang.

Question. There is a class of cases alleged to have occurred through that region of the State, commonly known as Ku-Klux crimes and offenses. If you have any knowledge of them, state where they have been committed, and whether they have been the subject of judicial investigation in any case.

Answer. I know that great crimes have been committed secretly and by disguised

men. I mean I know it by common report. I have no personal knowledge of any Ku-Klux organization, or any other secret organization in violation of law or for political purposes. I do, however, know that great crimes have been committed; and when I heard that they had been committed I was told, at the same time, that they were committed by Ku-Klux. I know that whenever one of these crimes has been committed in the circuit in which I practice, Judge Smith has taken the matter in hand, and in his charges to the grand jury and otherwise has done and said everything that he could do to bring the offenders to justice—to ferret them out. But I am not aware that any person concerned in any one of those crimes, so far as I have heard, has ever been found out by the investigation of a grand jury, or in any other manner; and I am pretty sure none of them have ever been brought to trial or to punishment. Those crimes, however, have almost entirely ceased since the State election last year.

Question. When you speak of criminals being effectually brought to justice, you speak of those cases which have actually been brought to trial?

Answer. Yes, sir.

Question. In this class of cases the difficulty exists in ascertaining who are the offenders and arresting them?

Answer. Yes, sir, that is it. I can give you a case in point: Last year, or year before, a young man by the name of Boyd was assassinated, in Greene County, by a band of armed men. He was the register in chancery, and was county attorney for Greene County. At the next term of the circuit court of that county, Judge Smith gave the grand jury a very energetic and vigorous charge, and appointed a very energetic, vigorous, and competent attorney in the place of Mr. Boyd. They had as good a grand jury—mixed grand jury—as I ever saw sit in that county. We had the most intelligent negroes that there were in the county, and the most intelligent white men. The grand jury remained in session during the whole term of the court—two weeks—and the prosecuting attorney, who was a friend of mine, told me that he had witnesses summoned from the vicinity of every bridge and ferry in the county; that he thought he must have had nearly five hundred witnesses examined and cross-examined; that the grand jury and he did their utmost to get on the track of the perpetrators, and that they could not get the slightest hint or clew toward finding out any one man.

Question. Were you in attendance at the Greene County court during that term?

Answer. I was. There was a gentleman by the name of Minnis sent down there by the governor, I think, to assist in the prosecution. Mr. Minnis staid in my room one or two nights, and he told me he was satisfied nothing could be found out. I think I know the secret of that murder. It was not for political considerations. A short time before some negroes in that county had murdered and robbed a white man in a very barbarous manner. They were arrested and confined in jail. By some means they made their escape. They were arrested by some white men in the neighborhood in which they had committed this crime, and they were immediately killed, either by hanging or shooting. Mr. Boyd, being the prosecuting attorney, indiscreetly, so far as his own personal safety was concerned, remarked publicly, on the streets of Eutaw, one day, that he knew the men who were concerned in the murder of those negroes, and that he intended to indict them, and have them brought to justice, if he had to summon every man in the county to accomplish that purpose; that he intended to see that they were punished for the crime. It is supposed, and I have no doubt it is true, that what Boyd said was communicated to the men concerned in the murder of the negroes, and that they took his life for their own self-protection.

Question. From the investigation which you made of that case during the time you were in attendance at the court, have you any doubt of Boyd's murder having been committed in pursuance of an organized conspiracy?

Answer. That is not my opinion. My opinion about the Ku-Klux is, that there is no organized clan or society. I think that there are bad men, lawless men, dissipated men, who on particular occasions, either to avenge real or supposed injuries to themselves or real or supposed crimes against society, undertake to band themselves together (only a few of them) to administer lynch law. When they accomplish that purpose that is the last of it until a new occasion arises for a similar administration of their code.

Question. That is your view of the general question. As to this particular instance, was it not your impression that, whether for temporary or for permanent purposes, this particular murder was the result of an organized conspiracy?

Answer. Yes, sir; organized, I think, for the particular occasion. I do not think it was the result of a general organization, but of a conspiracy to accomplish that particular crime. I have no doubt about that.

Question. From what you learn, were the persons who committed that crime disguised in the same manner as persons who committed other secret crimes, whether for the purpose of administering lynch law or not?

Answer. I do not believe I have ever heard of a crime being committed by disguised men, except that and one other case. I have heard of crimes. One was committed near my house; but my servants told me the men were not disguised on that occasion.

I never understood, and never inquired, the particular disguise these men appeared in who murdered Boyd.

Question. Living in that community, and having the opportunities which your profession gives you to learn of alleged occurrences of lawlessness, give us briefly your view of that organization or association, or whatever it may be, which is ordinarily known there by the name of Ku-Klux.

Answer. I have stated all that I can say on that subject, and that is, that there are, in perhaps all the counties I have named, a few bad, desperate, dissipated men, who band themselves together, either to avenge real or supposed wrongs to themselves or real or supposed crimes committed against society; and they accomplish what they propose to do, either disguised or undisguised; and there the matter stops until a new occasion arises, when perhaps an entirely different set of people, in a different neighborhood, will do precisely the same thing without any concert of action with any portion of the people in other parts of the country. I mean by this that these men band themselves together just as they used to do in old times to administer lynch law, and that the band exists for the time being only, not as a permanent organization. That is my opinion.

Question. To what extent have offenses been committed in that manner through the counties you have named? How many persons have been victims of such proceedings?

Answer. I know of but one person who has been assassinated in our county. He was a negro who was formerly my slave. He was a favorite with me. He was a Baptist preacher, and was greatly indulged; he had his own way. He was quite an old man.

By Mr. VAN TRUMP:

Question. Give us his name

Answer. His name was Richard Burke. A short time previous to his death I was at Livingston, the county seat, attending to business in the probate court. While I was there the day arrived which had been appointed for the republicans to meet and make their county nominations. On the evening before this day, my local law partner in Livingston received a dispatch from my town, stating that a hundred armed negroes had passed through Gainesville and were on the way to Livingston; that they had stopped at Gainesville and obtained quantities of ammunition. That took us all by surprise; at least it took me by surprise. I had no idea that there was to be any assembling with arms. The white people did not meet there with arms, and I did not suppose the colored people would do so either. Very soon after that a dispatch was received from Captain Johnson, I think, who commanded a steamboat on the Tombigbee, that in passing up the river to Demopolis he had seen groups of negroes on the banks of the river—all with guns—who said they were going to Livingston to attend the meeting next day; that they had been ordered to attend with their arms. Very soon after that a dispatch was received there from Eutaw that Major Hays had engaged passage for one hundred negroes to Livingston the next day. Well that produced a great deal of excitement there; and the citizens sent out messengers through the county to notify the white people that there was likely to be trouble the next day; they sent out the information that had been received by these telegrams. The result was that the next morning the white people, old and young, came in with their pistols and double-barreled guns; and the negroes came in from every direction with their guns and pistols. This old negro of whom I spoke was a leader; he was a member of the legislature; and this meeting was for the purpose of nominating candidates for the county. Knowing him to be a man of influence I went to him and told him, "Richard, this thing will never do. You see how these people are excited. If the colored people come here with arms, as the white men are here with arms, we shall have a difficulty. I am authorized to assure you that you may hold your meeting here and make as many speeches as you please; and you will not only be permitted to do it, but you will be protected in doing it." I said to him, "Go and tell your friends to go around town and call a meeting." I went to several of the prominent republicans and colored men, and advised them to do the same thing. Some of them were ignorant people, and said they had been ordered to do this by some white men; that they had received orders that they were to go there with arms. What these negroes stated about being ordered to go there with arms excited the white people a good deal.

By the CHAIRMAN:

Question. Did they name the white men who had directed them to come with arms?

Answer. No, sir; I asked that; and they did not know or would not tell. The negroes, however, did begin to go out and leave their arms; but in the mean time information got there, I do not know how, that Major Hays would not be there, and there would be no speaking. The negroes then began to disperse. I went to the prominent white republicans there who were personal friends of mine, and told them I regretted they should have had their meeting broken up; that that was not the design; that these people only wanted to prevent the negroes from committing any outrage with their

arms; and that if they wished to hold their meeting we would see that they should be protected, and should have perfect peace and quietness. But in the mean time the white republicans there became very much irritated and provoked, and they declined to hold the meeting at all. When these negroes were advised to go and leave their arms outside of the town, it was reported that this old negro who formerly belonged to me, (Richard Burke,) advised them not to do it; saying that "the white people were there with arms, and that they (the negroes) had as much right to stay there with their arms as the white people; that they must not give up their arms, nor leave them out of town." I do not know that the old man ever said any such thing; but that was the report. A few nights after that, when I was home, I heard rapid firing which appeared to be about a hundred yards off, and I supposed there was some trouble on hand. My wife was very much frightened. I rose, and called up my servants to ascertain what the matter was, what the firing was about; and they said it was over at Richard Burke's who lived about one hundred yards from me. There was a path leading from my house to his. I asked them what the firing was for. They said a party of men had gone there after another negro, who formerly belonged to me, whose name was Hayne Richardson, and who had refused to give up his arms at Livingston, and in the scrimmage was shot by some persons whom I do not know—not killed but wounded pretty badly in the head. He said they were after Richardson, and that the firing was at him; that he jumped out of the window and ran away. I asked if anybody was hurt, and was informed by the servants that there was not. I sent for Richardson's wife and asked if any damage had been done; she said "no." I was very much gratified and went back to bed. Next morning when my servant came in, he informed me that the old man, Richard Burke, was dead; had been killed about half way between his house and mine, and that he was lying on the path leading between my house and his. I rose and went over as soon as I could, and was informed that he was lying there, shot very badly in the head and elsewhere—shot all to pieces; some colored friend of his had been there before me and spread a cloth over him. I then called up one of my servants who was in the habit of staying over at Richardson's house, and asked him what he knew about it. He said he was there when these men came; that he thought there were about twenty men on horseback; that they came and hallooed; that he went to the door, and they directed him to open it and raise a light. They asked him if he had a lantern. He said he had; and he raised a light. They carried him out to the gate, and put him under guard with his lantern, and they went in search of Hayne Richardson, and old man Burke.

Question. Whom had they carried out to the gate?

Answer. My servant, who was holding the lantern. Only two or three got down to go in search of the men they were after; and while he was there he raised his lantern, so that he saw the face of every man distinctly; and he said not one of them was disguised, and that, although he was very well acquainted in that part of the country, he had never seen one of those men before. The citizens were very much excited. The mayor of the town had an inquest called to examine everybody, white and black, that was likely to know anything about it, except this man, Hayne Richardson, who had concealed himself or fled from the State. He has never been there since. He was the only person likely to know anything about it who was not examined as a witness; and they got no clue whatever. I heard that about daylight the next morning a party of three or four or five men were seen going in one direction, and as many in another direction, and as many in another—not as many as ten in any one company—all going in the direction of the Mississippi State line. That is all we have ever been able to find out about that.

Question. How long was that after the meeting?

Answer. I do not think it was more than a week, if that much.

Question. Were they white men whom your servant saw?

Answer. He said they were all white men.

Question. Had there been any act of violence committed or threatened against the colored people before the time of that meeting, when they came there with their arms?

Answer. None whatever that I heard of. The state of feeling between the colored people and the whites was entirely kind and friendly in that part of the county; and that circumstance made the fact that the negroes were assembling to hold their meeting with arms and ammunition the more surprising to the white people.

Question. When asked about bringing their arms, did they give any other reason for it than the one you have already suggested—that they had been ordered to bring them?

Answer. The only reason they gave me, and the only reason I heard of, was that they were ordered to do it by white men.

Question. Did they say anything about how they proposed to use their arms, or whether they proposed to used them at all?

Answer. They said they did not know anything about it; that they were ordered to come there. Their language was, "I was ordered to bring my arms to-day, and was

ordered by a white man;" and they said that runners had been sent to them. Those that came from about my town told me that they received their message at church on the Sunday before at a colored meeting.

Question. Was it publicly announced to them in the church?

Answer. It was a negro meeting; they had a church of their own up there. They said that at that meeting they received the message to come down.

Question. Did you understand whether it was announced in the church publicly or not?

Answer. I did not understand whether it was publicly announced or not. The impression left on my mind was that the announcement was not made to them at their church publicly.

By Mr. VAN TRUMP:

Question. Do you know whether it was a white or a negro preacher who preached that day to that congregation?

Answer. It was a colored man.

By the CHAIRMAN:

Question. They said that while they were there they got the notice?

Answer. Yes, sir.

Question. Did they actually make any attempt at violence on anybody with their arms on that day?

Answer. Not that I am aware of, unless this man, Hayne Richardson, attempted violence at the time he was ordered to leave his arms in the country and when he refused to give them up. I think I understood that he undertook to use arms, and that brought about a shot which struck him on the head and injured him seriously.

Question. Who directed him to leave his arms outside the town?

Answer. I think it was a general understanding among the negroes themselves, after the persuasion of the white people, that it was best for them to do so. I think they yielded to white men whom they regarded as their friends, and who advised them to leave their arms in the country.

Question. Was it colored men or white men whom Richardson resisted when they wished him to leave his arms outside?

Answer. I can only tell what I was informed.

Question. We understand that you have no personal knowledge of the matter.

Answer. After the negroes commenced leaving town, either to go home or to leave their arms in the country, I heard one or two shots, and as soon as I heard those shots I observed five or six young men on horseback, apparently very much excited, going in the direction of these shots at full speed. It turned out, as I afterward heard, that these shots were the mere discharge of the guns of some of the negroes for the purpose of unloading; and I think it was these young men who brought on the difficulty with this man, Hayne Richardson. Who they were I do not know. I did not know them when I saw them, and I do not know them now.

Question. Had there been any attempt at violence by the negroes against the whites before that?

Answer. I think not.

Question. Was there any on that day?

Answer. None whatever. The only violence I heard of during the day was that which occurred with this man, Hayne Richardson.

Question. The meeting then passed off with entire quiet on both sides, with the exception of that one little occurrence in connection with this one man?

Answer. Yes, sir.

Question. Were there any local regulations of the town which prohibited the negroes from bringing their arms into it, and which they disobeyed by doing so?

Answer. I think not.

Question. Is it the practice of that country for men to go armed when they see proper to do so?

Answer. It is the practice of the country now for both whites and blacks to carry side arms; but it is very rarely the case (in fact I never knew a case before) to go to a political meeting, or any other public meeting, except for military purposes, with guns and muskets and rifles. This is the only time I ever knew of it; and the excuse these negroes gave was that they were ordered to do it.

Question. What was the date of that meeting; was it last fall?

Answer. I cannot say.

Question. Was it during the political campaign of last year?

Answer. Yes, sir; it was some time previous to the election last year. I cannot remember the month.

Question. Was it before or after the meeting at Eutaw?

Answer. Before.

Question. How long before?

Answer. I think it must have been a month or more before.

Question. Was Major Hays the only person announced to speak at that meeting?

Answer. No; I understood that Mr. Jones, of Marengo, was to meet him there.

Question. There was really no meeting held—no speeches made?

Answer. No; there were no speakers. I think, though, that the meeting would have been held if it had not been for the excitement produced by both parties being there with arms.

Question. You have given this statement as the reason for Burke being visited and murdered. Is that the connection that the circumstances hold to each other in your mind?

Answer. That is the only reason I know of or have any suspicion of; that is the reason I have heard assigned. Richard Burke was a quiet man. To be sure, he had made himself obnoxious to a certain class of young men by having been a leader in the Loyal League and by having acquired a great influence over people of his color.

Question. Was he a man of respectability and decency in his behavior as a colored man?

Answer. Very.

Question. As I gather from your statement he was firm in standing up for the rights of himself and his colored associates?

Answer. Yes, sir; I think he was. He was not extreme though. He was a moderate man and would do almost anything that I advised him to do. He even consulted me after he became a member of the legislature, as to what course he ought to pursue, what measures he ought to support, and what oppose; and I gave him the best advice I knew how—assisted him all I could. He was very much attached to me. I had owned him thirty years.

Question. Was the murder of Burke looked upon as having had any effect upon the colored people in intimidating them in that county?

Answer. I am under the impression that it had in his immediate neighborhood; that is, in the town of Gainesville and the surrounding country, where he was well known. I know that the negroes seemed to be profoundly dejected, some time after his death; and some of the best of them came to consult me as to whether they ought not to emigrate and go to Texas. They felt insecure. I advised them not to go. I said that those who were doing well had better stay where they were; that if they conducted themselves with propriety they would not be troubled. They took my advice and remain there still.

Question. Had that fear any effect in preventing the presence of the negroes at the election?

Answer. I think not.

Question. You think they went to the election notwithstanding this?

Answer. Well, I do not think there was a full turn out of the colored vote; but I do not think the failure to turn out fully was the result of fear or intimidation. The democrats in my county, and indeed in all those western counties, exerted themselves tremendously to get the colored people to vote their ticket. They gave them barbecues and made speeches, and got colored men who were democrats to go around with them and make speeches. The hatchet seemed to be buried between the two races during that canvass, and has remained buried ever since. The colored men argued this way, in their public speeches: "Well, my colored friends, we have supported the republican ticket the last five years, and we are no better off now than we were before. In the mean time we have been employed and taken care of by our old southern friends; they are the only friends we have had during these five years, although we have been supporting the other party. I propose now that we shall support the democrats for five years, and see what they will do for us." Well, these people, swayed to and fro by the impulse of the moment, (they are nothing but grown-up children, a great many of them,) would say, "I will go and vote the democratic ticket." Others would say, "Well, I don't want to vote against my principles, but I don't want to vote against my southern friends neither. I will stay at home." In that way a great many failed to come out. I made a little speech on the democratic side myself at one precinct where there were about thirty white votes. I did not go there for that purpose; I happened to be delayed at a railroad station. I was called upon by the colored people themselves, and I made them a little address. About thirty white votes were cast at that precinct and about one hundred and forty colored; every colored vote was for the democratic ticket, and every white vote too. A similar result occurred at several other precincts in the county; every colored man voted the democratic ticket.

Question. What you have just stated is the only reason you know for the colored people staying away from the polls?

Answer. I am perfectly sure that in my county there was no attempt at intimidation by threats or anything else. The negroes were treated during the canvass, and indeed have been ever since, with perfect kindness and justice, I think. A good many negroes had become very much disgusted with what they call the "radicals." Some bad men from the North and West had gone in and undertaken to make cotton and carry on

farms. They had employed these negroes, under a promise of big wages and doing a great many good things for them; but instead of paying the negroes their wages they left without paying them one cent. The negroes sometimes lost as much as two years' wages or a large portion of it. Those who were the sufferers in that way became very much disgusted with what they called the radical party; and then their influence on others who had not been thus employed was very considerable. In that way the republican party lost votes. In my county the republican majority would not be less than 1,500 if the negroes were all to vote for the republicans, yet the county was carried for the democrats by 625.

Question. Do you attribute that result in any manner to intimidation caused by this occurrence or to actual threats made by anybody at the election; or do you attribute it to the persuasive means to which you have adverted as being addressed to the negro voters?

Answer. I attribute it to persuasion and kindness entirely, and to disgust with the treatment some of the negroes had received from men who were republicans. I am sure that if any intimidation or improper means had been used to keep negroes from the polls, I should certainly have heard of it.

Question. Is there in that section any such ostracism or terrorism resorted to as is calculated to prevent, or has actually prevented, the free expression of political sentiments by men of all classes of politics?

Answer. I think there is not now.

Question. Has there been?

Answer. There has been, as was illustrated at that Eutaw riot. There was an apparent determination that Major Hays should not address the people at that place. But I certainly do not know of any opposition to any person, white or black, expressing his views on any subject, publicly or privately, except in that instance; I mean since the presidential canvass. There was some opposition made in my town to Major Hays and General Warner making public speeches there. There seemed to be a great deal of excitement against what were called "carpet-baggers" and "scalawags," and when these gentlemen went there, there seemed to be a determination that they should not speak. I used what little influence I had, however, to see that they got a peaceful and quiet hearing; and everything went off smoothly and satisfactorily.

Question. On that occasion, in the presidential campaign, how was the determination manifested?

Answer. Just by words.

Question. By words only?

Answer. Violent men on the street would say, "These men shan't speak here to-day." I got up and addressed the crowd and told them those gentlemen had a right to speak and must be heard if they wished to be, and should be heard; that this was a free country, and they had as much right to speak as anybody; but if they would not for any other reason, I asked them as a personal favor to me to listen to those gentlemen patiently, quietly, and respectfully; and they did.

Question. That was in your county in 1868?

Answer. Yes, sir. The opposition on that occasion (I think it was in 1868) and the opposition to Major Hays's speaking in Eutaw are the only instances I have heard of opposition being made to any republican making a speech; and I have no doubt that any man, whether republican or otherwise, can go through any county in the State of Alabama, and speak without the slightest danger to himself personally, and, I think, also without any disagreeable interruption.

Question. Is it your belief now, taking the counties with which you are most conversant—Greene County and Sumter—that a republican meeting can be called, composed of colored men and any white republicans who may see proper to attend?

Answer. Just as freely as a democratic meeting.

Question. And be addressed without personal danger?

Answer. Just as much as a democratic meeting. I have no doubt of it. There is a marked change in the feelings of the people during the last five years. They are becoming more kindly disposed, and more content with things as they are; and there is more disposition to acquiesce in the present state of things than there has ever been before; and I think the bitterness toward republicans, whether natives of the State or otherwise, is greatly diminished. To be sure, there are a few violent politicians who hate a republican, no matter where he comes from—who have no tolerance at all for men of that party. But in everything I now say about the public feeling in my part of the country, I speak of the great mass of the white men; there are exceptional cases, of course, but those exceptional cases cannot control public sentiment or public action so as to prevent any public meeting or public demonstration that any republican, white or black, may wish to make in a peaceful and quiet manner.

Question. Has this impression with reference to the insecurity of republicans in that region grown in any manner out of the alleged fact (and we desire to know whether it is a fact) that these outrages committed in secret have generally, if not universally, been committed upon the negroes and upon republicans?

Answer. I do not think there is any insecurity for republicans in my part of the State, any further than this: There are, as I have stated, extremely bitter politicians, and there are desperate, bad men, a few—they are comparatively few—and those few hate republicans, whether natives of the State or otherwise. But I do not think that the personal safety of any republican is, or is likely to be, imperiled in Alabama on account of his politics. The feeling of the white people toward republican office-holders, whether natives or not, is pretty strong still, but far less bitter than it has been—very far. The people seem to consider that the native republicans are treacherous to their section, and that those republicans who have emigrated there are intruders—I mean those who are holding offices. The impression is, that they are intruders into these offices, and taking what they ought not to have. But while the people feel they are intruders, and do not deserve to occupy these places, I think that fully 95 per cent. of the people treat these office-holders with the respect and courtesy that is due to the stations they occupy, without regard to the individual; and in many cases they treat them cordially in a social point of view. I do not know any judge who has ever presided in the circuit in which I live who has been treated with more cordiality, in a social point of view, than Judge Smith; and yet there are bad men there who denounce him as a "carpet-bagger" and intruder, and would be glad to get him out of the office.

Question. Is it the fact that where men have been murdered in secret, and by persons in disguise, or where they have been whipped, the victims have been republicans?

Answer. I think that as to the majority of crimes that I have heard of being committed, either upon white or black, the subjects of the crimes were republicans, but not in all cases.

Question. May that fact have given rise to the apprehension of insecurity which many persons say they have; you think the feeling is not well founded; but may not that fact account for it?

Answer. I think so. If any republican in my part of the State feels any insecurity of person or property, it is very natural he should attribute the feeling to the fact that outrages have been committed upon people of his politics more than upon anybody else. But, as I observed before, the class of crimes which have been committed in secret has greatly diminished, if not ceased to exist. I have heard of no outrage committed in secret for a long time.

Question. Is there a disposition on the part of your people to assist in enforcing the law of Congress intended to suppress this class of outrages and wrongs?

Answer. Well, sir, that law has been but recently passed, and I am not able to state what public opinion is upon that subject. I think, though, that a jury either in the State courts or the Federal courts, selected fairly and impartially, would convict, if the evidence and the charge of the court should require it, however much it might go against the grain to do it. That is my opinion. It is my opinion also, that it is not the policy of the Government to prosecute that class of cases now.

By Mr. COBURN:

Question. Do you mean to say that you think it is not, or it ought not to be, the policy of the Government?

Answer. I think that the people think it is not the policy; and my own opinion is ——

Question. You do not understand the question. Do the people think that it is not, or that it ought not to be, the policy?

Answer. I mean that it is impolitic to prosecute that class of cases.

By the CHAIRMAN:

Question. For what reason?

Answer. In the first place, while the great mass of the southern people are loyal to the Government, and feel determined to obey the laws of the Government to the utmost of their ability, they do not feel affectionate toward the Government. They act under a sense of duty more than a sense of love. They feel that they laid down their arms at the close of the war in good faith and with a determination to be good citizens afterward, if permitted; and they feel that, notwithstanding that, the Government has treated them as rebels still and as enemies; and they regard this legislation that you allude to as one of the evidences of unfriendliness on the part of the Government toward the southern people. When I say it is impolitic in the Government to enforce those laws even in a proper case I mean this: That I think it is the policy of the Government to act toward the southern people in such a way as not only to secure their respect and obedience and loyalty to the Government, but their affection. That can only be done by the Government acting toward them with magnanimity, generosity, and kindness. To undertake to prosecute these offenses under these "Ku-Klux laws," I believe they call them, makes the people think it is an indication of unfriendliness on the part of the Government, and it keeps the southern people irritated with the idea that they are still treated as enemies and rebels, although they have ceased to be so in fact, and ceased to have any purpose or desire ever to be so again. The

heart of the southern people cannot be restored to the Government without generosity and kindness, and an abandonment of those extreme measures which some people desire to see enforced against them.

Question. Is it the sentiment of the large majority of the people in your State that the effort of the General Government to prosecute and punish offenders is the evidence of unfriendly feeling toward the whole southern people?

Answer. Yes, sir; they look at the matter in this light: Congress makes these laws, and makes certain acts crimes, and then deprives the State courts of the jurisdiction of those crimes, and drags citizens a long distance from home to a Federal court, where they are perfect stangers, at heavy expense, and to the great neglect of their business. It keeps the southern people irritated. The United States is able to be generous and magnanimous to these southern people, and the way to put down these crimes is not to prosecute them, but it is to forgive them.

Question. Do you mean the Ku-Klux outrages?

Answer. Yes, sir; the very fact that you undertake to prosecute and persecute these men, if there are any Ku-Kluxes, will make two where there is but one.

Question. Is your remedy, and the remedy of your people, to let them go on, forgiving every offense they commit?

Answer. O no, sir; I think that every great crime ought to be punished by some court or other. But I think, as I stated before, that the legislation of Congress on this Ku-Klux question is, so far as the southern people are concerned, impolitic. I do not think that the hearts of the southern people can ever be brought back to the Government as long as such legislation stands on the statute-book and is enforced with the rigor with which it is in the power of the Government to enforce it. I think it is the policy of the Government to have the heart of the entire people—not only loyalty upon principle, but loyalty from love.

Question. Conceding, as I understand you do, that there are no cases in which men have been brought to justice in the State courts for these secret crimes, what remedy would you suggest for them?

Answer. I have already stated all I can on that subject. In the circuit in which I practice, I know as a fact that the officers of the court and the grand juries have used their utmost exertions to ferret out these offenders without success. Whether perjury is committed by witnesses before the grand jury, I cannot tell. I suppose, if any perjuries are committed, the same perjuries would be committed in the Federal courts that are committed in the State courts; and I do not think that the Federal courts would be likely to ferret out these secret crimes more successfully than the State courts could. I think the State courts more likely to ferret them out than the Federal courts, because, in the State courts, the investigation takes place in the county in which the offense was committed, and in which it is to be presumed there is some evidence to be found. There are some prosecutions now pending in the circuit court of the United States at Mobile for the Eutaw riot. I am defending one of those accused parties; and I know the state of feeling in Greene County in reference to those prosecutions. I was not at Eutaw on the day of this unfortunate occurrence; but I am very well informed what did occur to General Warner, and Governor Parsons, and others who were present; and, from my knowledge of public sentiment in Greene County, I think that the Government would make friends, I think that the republican party would make friends in the South, by dropping those prosecutions. I think that the Government will make enemies by pursuing them.

Question. In saying that, do you mean to convey the idea that those men are not guilty of any offense against the peace and security of the community?

Answer. Well, I do not know what the truth is about the facts. One side represents the facts in one way, and the other in another. These men who are prosecuted, and their friends, say, and declare that they will abundantly prove it, that this difficulty was brought on by Major Hays and his friends. The other side say that it was brought on by the democrats.

Question. I am not speaking of the guilt or innocence of any man, or any party; but taking it for granted that the peace was disturbed, that a public meeting was broken up, and that men were wounded, do you think that the policy of the Government, either State or Federal, ought to be to permit such an occurrence to pass with impunity, and not punish those who are guilty, whether democrats or republicans, white or black?

Answer. Well, sir, I think it is the policy of the Government not to prosecute these cases. In the first place, this is a new offense, created by Congress not long ago. This is the first prosecution I have heard of under that act of Congress; and I think that really everything has been accomplished now that the Government ought to desire to accomplish. It was not known before to any general extent that such a law existed. It was no offense before this act of Congress; this prosecution has already made the fact generally known that it is an offense; and I think the prosecution thus far, if stopped now, will be just as effectual in preventing a recurrence of a similar affair as if these men were convicted. I think the moral effect of the prosecution would be just

as good for the Government if it were stopped where it is as if these men were convicted. I think the moral effect in favor of the Government would be far greater to stop the prosecution than to succeed in conviction or be defeated on a trial.

Question. The object of this investigation being to ascertain as nearly as we can the actual condition of things in your State as affecting personal safety and the execution of the laws, if you have knowledge of any other general fact which will aid the committee in their investigations, state it fully.

Answer. I do not know that I can state anything important except what I have already stated, and what is fairly to be deduced from what I have said.

By Mr. VAN TRUMP:

Question. In giving your deliberate opinion that it would be politic and wise in the Government not to prosecute under this Ku-Klux law, I understand that your main underlying reason is that the State courts can execute the law better than the Federal courts?

Answer. That is one reason; and then I think that it would show a kindness and generosity on the part of the Government that would be properly appreciated. I think it would make friends for the Government. I am a friend of the Government myself, although I do not belong to the party which now controls it. That is my opinion as a lawyer and a citizen.

Question. What, in your opinion, would be the best and most effective mode for this committee to ascertain the true condition of affairs in the southern county—by sitting here as a committee, or by going there in person and looking into the matter?

Answer. Well, I should think that personal observation would be more satisfactory than the examination of witnesses, whose opinions are probably very different. The difficulty is, that if a committee similar to this, or this committee itself, were to go there, it would hardly be able to stay long enough in any one place to form a correct judgment. I feel very sure that if this committee or any other committee were to remain a sufficient length of time in my part of the State, they would certainly arrive at conclusions similar to those that I have expressed here to-day.

Question. Would not the committee have just as much time to examine respecting that particular locality there as here, except the time consumed in traveling back and forth?

Answer. I allude now to personal observation; I do not allude to the examination of witnesses. I think you can examine witnesses with as much facility and effect here as there. When I say that you could arrive at a more satisfactory conclusion there than here, I refer to information obtained from your personal observation rather than the examination of witnesses.

By Mr. POOL:

Question. Why is Judge Smith obnoxious in Choctaw County?

Answer. For no other reason in the world than that I have stated, that he is regarded as an interloper and an intruder into an office that rightfully belongs to a native southerner. They find no fault with him as a man, or as a judge. I never heard an unkind word said about him in his judicial capacity, or as a citizen, further than that he is a radical, and is an intruder into an office that a native southerner ought to fill. That is everything.

By Mr. COBURN:

Question. How long do your people regard it as necessary for a man to live in your State before he has a right to hold an office or ought to hold an office?

Answer. In speaking of the people of Choctaw County, I wish to be understood as speaking only in reference to a small portion. Judge Smith has a great many warm friends in Choctaw County, and is very much respected there. He owns a very large estate there.

Question. Is it or is it not the sentiment of the people of your county that men from other States have no right to hold offices, or ought not to hold them?

Answer. Well, I think the feeling is or has been (it is not so strong now as it has been by a good deal) that our conquerors floated over upon us, and absorbed all our offices and all our means to the extent they were capable of doing; and it is not to be wondered at that the feeling I have expressed should exist to some extent.

By Mr. BLAIR:

Question. The only surprise is that it does not exist to a greater extent?

Answer. I think so.

By Mr. BECK:

Question. Is it not the fact that the imposition of a constitution upon you after you had defeated it, and the imposition of officers upon you who had been fairly defeated under the reconstruction act of Congress by your failure to vote, was one of the most

serious complaints you had in regard to the manner in which those men got their offices?

Answer. Yes, sir; certainly.

Question. Did not your people regard those who held those offices as men whom they had defeated in strict accordance with the law of Congress itself?

Answer. That was the feeling then. It has subsided to a great extent now. We have made up our minds to stand anything.

Question. And did not the fact that those officers and that constitution were so imposed upon you by Congress in violation of its own legislation produce bitterness both against the constitution and the officers more than any other cause?

Answer. That was the feeling at one time. I do not know the extent to which that feeling is prevalent now.

Question. I am speaking of the time at which this feeling existed against those officers?

Answer. The people of Alabama felt greatly outraged by the course that Congress pursued in forcing that bogus State constitution upon us under which we are living now?

Question. And also the officers?

Answer. And the officers elected under it.

Question. Both legislative and county officers?

Answer. The officers elected under it. I believe all the judicial officers now in the State, except those who are holding offices by executive appointment, were elected under that constitution.

Question. And the democratic party failed to vote altogether, assuming that they had a right to abstain and thereby defeat those officers, and did so defeat them? Was not that the fact?

Answer. That was the idea then.

Question. Therefore, were not those men who occupied those positions both in the legislature and in the counties—judges and others—elected by Congress and not by the people of Alabama? Was not that the feeling?

Answer. Yes, sir.

Question. And did not that cause them to be regarded as interlopers, so far as the people were concerned?

Answer. That had something to do with it.

Question. They considered the constitution illegal and all the offices under it improperly filled?

Answer. That was the feeling then; but, as I stated before, the feeling toward these office-holders under that constitution is far less violent, very far less violent, than it has been heretofore. We have got used to it and have determined to take things as we find them, and do the best we can. We are prostrated in a pecuniary point of view, and are trying more to restore our prosperity to some extent than we are to succeed in politics. In answer to a question by the chairman as to cases of outrage in my county, I omitted to state one case. If it be desired, I will state it now.

By the CHAIRMAN:

Question. You can state it at the close of your examination. I wish now to put a question in connection with the point of which you have just been speaking. Was it the view of your people that, having defeated the constitution once by abstaining from voting and preventing it from obtaining a majority of the registered voters, they still had the right to go on preventing the organization of a State government under the law of Congress by abstaining from voting?

Answer. O no, by no means. We supposed Congress had the right to let the State back into the Union on such terms as it pleased. But we considered that that constitution was fairly defeated on the very basis of the congressional action in reference to it, and that, having been defeated, it was a great wrong on the people for Congress to force it upon them.

Question. Was not the very ground of abstaining from voting the opinion that Congress had no right to submit it at all?

Answer. I do not know about that.

Question. Was or was not that your view?

Answer. I think not. I think that, so far as my information went then, the idea was that if the conservatives would absent themselves from the polls, there would not be a sufficient vote cast to secure the adoption of the constitution.

Question. There would not be a majority of the registered voters?

Answer. Yes, sir. Another thing was that a great many people, I believe, were not qualified to vote then who have become qualified since.

Question. They were not registered, then, of course?

Answer. Of course not.

Question. Was it your idea then that if another constitution was submitted, the people would still abstain from voting?

Answer. No, sir.

By Mr. BLAIR.

Question. Was it your objection to the constitution which was actually submitted that influenced your people in abstaining from voting, not any objection to the power of Congress in submitting it?

Answer. That was my idea.

By Mr. VAN TRUMP:

Question. Had not the people of Alabama a very strong recollection that the policy of the republican party before that time had been very different under a letter of Mr. Lincoln ordering an election in Arkansas under the old constitution? Was not that a fact in the contemplation of the people?

Answer. I do not recollect what the expression of public sentiment then was. I had made up my own mind to submit to anything that happened; and I did not take as much interest in it as a good many other people; and my information, therefore, is not so good as that of some others.

By Mr. BECK:

Question. After you had defeated the State constitution and the officers nominated under it, in strict conformity with the acts of Congress, as I believe, and as I think nobody denies, was it not supposed by you that Congress would take some steps to re-submit that constitution to a convention or some other body of men, so as to get it into some modified form with the objectionable features stricken out?

Answer. Of course.

Question. Did not Congress, in June, three or four months after you had defeated that constitution and those officers, impose it and all the defeated officers upon you, without giving you a chance to make any modification in the constitution or to defeat those persons at the polls?

Answer. I do not recollect the date; I know that we got the constitution.

Question. Do you not recollect that it was defeated in February and imposed upon you in June?

Answer. I do not recollect.

Question. Your State came in under the omnibus bill?

Answer. Yes, sir.

Question. Without having any chance to vote upon your constitution at all, except the vote by which you had defeated it, and without any chance to vote against the officers so imposed?

Answer. Yes, sir. We have ceased to grumble about that, though.

By Mr. STEVENSON:

Question. Do you recollect what was the vote for the constitution? Was it not about 80,000?

Answer. I think it was somewhere between 80,000 and 90,000.

Question. Do you not recollect that there was a larger vote than any State or national ticket has since received on either side?

Answer. I cannot remember.

Question. How was it in your own judicial district and county? Did not Judge Smith, for instance, receive a large majority of the regestered vote of the district?

Answer. Of course.

Question. Did not your county officers in Sumter, and the county officers in Greene, and generally in those counties you have spoken of, receive a majority of the registered vote?

Answer. I think so; that is my recollection.

By Mr. POOL:

Question. In your reply to Mr. Beck, a few moments ago, did you mean to say that Congress elected Judge Smith?

Answer. I did not.

Question. Did you mean to say that Congress elected the officers who are now holding office in Alabama?

Answer. I did not, except indirectly. Congress required the people to accept a constitution that they had repudiated, and to accept officers under it who were necessarily repudiated with the constitution. Congress is responsible to that extent. I do not mean to say that Congress is responsible any further.

Question. You do not mean to be understood to say that Congress really elected those officers?

Answer. Of course not.

Question. Did you not say that you thought Congress had a right to re-admit the State upon such terms as it pleased?

Answer. That was my opinion. I looked upon ourselves as a conquered people, at the mercy of Congress and the General Government, and we had to submit to whatever they required of us.

Question. You looked on the proposition upon which you were about to vote as the terms proposed by Congress for your acceptance?

Answer. Yes, sir.

Question. And you declined to vote upon it at all?

Answer. Yes, sir; we thought it a very objectionable constitution in many respects, and we took it for granted if that was rejected, Congress would give us another chance.

Question. That proposition being rejected by you, you supposed Congress had the right to make other terms in their discretion?

Answer. That was my opinion; I do not know whether it was a correct opinion or not.

Question. Then do you deny the right of Congress to impose that constitution upon you, notwithstanding the rejection of it?

Answer. Well, sir, I think they had the right by force of the power they possessed; but it seems to me that they put terms upon us that they did not propose to do in the first instance. They had the right because they had the power.

By Mr. BLAIR:

Question. Do you think the power gave them the right?

Answer. It is the same thing to us.

By Mr. POOL:

Question. Did you think it improper for Congress to impose any terms that were not entirely satisfactory to you?

Answer. Our idea was that Congress had no right to impose terms upon us that would put us in a worse predicament than any other State in the Union. We supposed we had the right, if we were permitted to return to the Union at all, to return on an equality with the other States. That was our idea, and I think that is our idea still.

Question. Then you mean to say that Congress, under the right which you acknowledged it had, treated the people of Alabama worse than it did the people of the other States?

Answer. That was the feeling, I think, of the southern people.

Question. That is all you mean to say?

Answer. That is all.

Question. Would you think that circumstance any reason why peaceable citizens in Alabama should be taken from their homes and whipped by disguised men?

Answer. By no means.

Question. Would you think that any palliation of the offense?

Answer. By no means; and such is not the sense of 5 per cent. of the people of Alabama. I can truly say that 95 per cent. of the white men of Alabama are law abiding, peaceable, loyal men, and all they want is just to be let alone, and have a fair chance to recover from the disasters of the war. They hate crime, and will do as much in their power to put down crime as Congress itself. I think the great error the northern people, and probably the republican party in general, commit, is to hold the mass of the southern people responsible for the outrages committed by a few desperate, drunken, obscure individuals.

Question. Do you mean to say that the class of offenses known as Ku-Klux offenses in your State are committed by a few bad men?

Answer. That is my supposition; and I will tell you why I suppose so; and I will in this connection make the statement I omitted to make awhile ago. I think it was the year before last that a party of disguised men went to the town of Livingston for the purpose of lynching, perhaps of killing a man named Dr. Chotteau, who had rendered himself exceedingly obnoxious by efforts to incite the negroes to insurrection against the whites. They failed to find him. He was anticipating an attack, and had gotten a friend, named Coblenz, to stay with him and guard him. When these disguised men went to the house, they broke open the door, and one of them struck a match. As he did so, while in the door, he was shot down by a man standing opposite. Thereupon the disguised men rushed in and shot Coblenz to death. This disguised man shot by Coblenz was killed. It never was ascertained who the other disguised men were; I mean those other than the man who was killed. They carried off the dead body, and it was afterward ascertained who the slain man was. He was one of the most desperate and dissipated young men in that section of the country. And I infer from that fact that his comrades and those engaged in those enterprises are of a similar character. That is the reason I say that I think these crimes are committed by desperate and drunken young men. This young man when shot was drunk, as was reported.

Question. That is the statement which you wanted to make?

Answer. Yes, sir. The Chairman told me to state all crimes I had heard of as committed by men in disguise. I had heard of that, but omitted to state it.

Question. Were any of those men punished for coming to that house and breaking into it?

Answer. Not by any judicial proceeding. They never were found out. There was a colored man who was also shot at by this crowd, and who wounded another of this party. He was before the grand jury: and neither he nor anybody else could give any account of the men, because they were disguised, and they could not tell who they were.

Question. Was there any rising up of the community to ferret them out or to track them?

Answer. There was an attempt to track them. They were tracked to the bank of the Tombigbee River, to a landing leading from Sumter to Marengo County, and there they were lost sight of.

Question. Was that in the direction of the Mississippi line?

Answer. No, sir; the opposite direction.

Question. Over into another county?

Answer. Another county in Alabama.

Question. How do you account for the fact that those men, and one or two other gangs of a similar character, seem to have come from either Mississippi or some distant county, when these outrages were committed?

Answer. Well, sir, I cannot account for it.

Question. In the case of Boyd, the men seem to have been tracked out of your county, were they not?

Answer. I think, myself, that the men who killed Boyd were well acquainted with every locality in Eutaw—with every room in the hotel in which Boyd was slain. I think that some Alabamian must have been concerned in it. Otherwise I do not see how they could have understood so well the topography of the location. According to my information, they guarded every gate and door; they knew precisely the room Boyd was in; they extended a gun to the landlord and his clerk, and threatened to shoot them down unless they carried them straight to Boyd's room. The landlord and clerk were frightened almost to death. They told me about this themselves.

Question. Without going into the details of that particular case, is it not your opinion that parties of this character mark their victims, and then send for friends from another county or State to come and execute their wishes?

Answer. Well, sir, I would come to that conclusion from circumstances. I do not see how it can well turn out that these crimes can be committed by citizens of the county in which the crime is committed, without there being some clue found out to detect them. There is but one way to account for it; and that is that these men who know the facts in regard to the crime deliberately swear falsely.

Question. In court you mean?

Answer. Yes, sir; before the grand jury. I take it for granted that a man who would commit midnight murder would swear to a lie to avoid detection.

Question. Is it not your opinion that when these bands from another county are sent for, some men from the county where the crime is to be committed go with them as guides?

Answer. I have no information upon that subject. These men of course use every means that they can to keep themselves concealed. A short time ago some men who had committed a homicide in Mississippi, and were imprisoned in the jail at Columbus, Mississippi, were rescued by a party of masked men who passed through my town. I was absent attending court. The information I had was that they acted in such a manner as to make it be believed that they were Alabamians. They really, however, were men who came from the neighborhood where the homicide was committed. They traveled all the way through Alabama till they got to Columbus, which is near the Alabama line. They rescued their prisoners, took them out of jail, took them back through Alabama, and disappeared. I mention this to show that these men act in such a manner as to throw the public officers and the people in general off their guard. It is obvious that these men took that course to make it appear that Alabamians, not Mississippians, rescued those men. I presume that they take all the necessary precautions to keep themselves concealed, if they really go from one county to another to commit a crime.

Question. Is justice evaded by that expedient?

Answer. Yes, sir; at any rate I do not know of any of these criminals being punished. I never heard of one being found out. The only one I ever heard of being found out was the one who was killed; and he probably would not have been found out if he had not been killed.

Question. Is the fact that they send for confederates from different counties and even different States, to come and execute their wishes, calculated to prevent exposure and detection?

Answer. If it is a fact, it would be calculated to do it. I do not know whether it is a fact or not.

Question. Have there been any whippings, in Sumter County, of colored men or others, by disguised men?

Answer. I believe not; at least I have no information of it.

Question. Have there been in Greene?

Answer. I do not know of any whippings. I have told you of the murder of Boyd. I have not heard of any whippings in any of those counties I named as my judicial circuit.

Question. No colored men?

Answer. Not by disguised men. I have heard of their being whipped by their employers; but that was in broad daylight.

Question. You have known colored men to be whipped by their employers?

Answer. Yes, sir, for disobedience.

Question. In what way?

Answer. Just by knocking them down.

Question. Have you known many instances of that?

Answer. No, sir; they are very rare. I have not heard of anything of the kind since last summer.

Question. Have there been any prosecutions for that?

Answer. I do not know as to that particular case. I have seen prosecutions before inferior magistrates—justices of the peace, &c.—for assaults and batteries committed by white men and women on negroes; but they were slight offenses—nothing serious.

Question. You said that perjury in the courts was, you thought, one reason why those men have not been brought to justice?

Answer. I did not say that; I said that I could not see how these offenses could be committed by citizens of the counties in which they were committed and nobody know anything about it; and that therefore the parties concerned in it must commit perjury to keep it concealed.

Question. Is there a feeling of safety on the part of witnesses who would testify in the courts about such things?

Answer. I have no means of answering that question, because I don't know. I was examined myself in relation to the case of Richard Burke. I felt no apprehension in telling all I knew about it. I have never heard any witness express any apprehension: but if there is a band of desperadoes called Ku-Klux, it is very natural to suppose that a man would feel reluctant to testify against them. I don't know of any case in which anybody has refrained from telling what he knew on that account, or any other.

Question. I will put the question more directly: If you had inadvertently become cognizant of the identity of any parties who had committed an outrage of this sort in disguise—the Boyd case or any other—would you feel safe in coming into court and telling the whole thing?

Answer. I do not think I would feel safe; but I would tell the truth about it.

Question. Of course you would tell the truth; but would you feel safe?

Answer. I would naturally feel that I was in danger, provided there was a clan of this sort organized for the purpose of committing crime.

Question. Suppose you had seen and known some of the men who murdered Boyd, would you have felt safe in disclosing the fact, and going into court and testifying to it?

Answer. I think I should have had some apprehension of personal danger.

Question. I will put the question still more pointedly: If you had by any means known any of the parties who committed the murder of Boyd, would you have felt your duty as a citizen strong enough to have overcome your fear, so as to make you disclose the facts, and volunteer as a witness?

Answer. I believe I should, unless some very near personal friend had been concerned.

Question. You think, though, you would have done such a thing at your peril?

Answer. I do, provided there is any such organized clan as that. I do not know but that I would have felt in peril if the party was formed for that purpose, and that alone, without a view to the commission of any other offense thereafter; because Boyd lost his life for saying that he knew the men who committed one murder.

Question. Does not the fact that there is a successful evasion of these prosecutions indicate to you that there must be some organization—that the parties have accomplices, and are well organized?

Answer. Well, sir, I have never heard of any party of organized men exceeding sixty in number. I heard last summer that on a certain occasion sixty armed men in disguise, and with their horses disguised, appeared openly and publicly in a village of Greene County called Pleasant Ridge, and that they went through various cavalry evolutions in perfect silence, and rode off in the direction of Mississippi. They did not speak a word or do a thing. That is the largest number I have ever known or ever heard of, and I know no reason to believe that there are as many as that in any county that I am acquainted with in Alabama, unless it be in Greene, and unless the men I have just alluded to belonged to Greene. I do not think, as I stated before, that there is any permanent organization for political or other purposes called Ku-Klux, or anything else. I think that these men band themselves together as occasion requires, to resent their own supposed or real wrongs, or to punish by lynch law some person who has done something that they do not like.

By Mr. COBURN:

Question. State how many of such meetings you have heard of.

Answer. I never heard of but that one.

By Mr. POOL:

Question. State whether, before the war, repeated murders and other crimes were committed, and the offenders evaded the law as they now do?

Answer. A great many crimes were committed by disguised men before the war. Lynch-law had been in force in an aggravated form, and the parties, some of them, never brought to justice; to be sure some were; it was very difficult though to do it then—almost as difficult as it is now. When you thought you had the man who committed the offense, persons would generally swear him out of it, and get him clear.

Question. Is the resort to *alibi* common in such cases?

Answer. Well, there have been no trials since the war to test that question.

Question. I mean in the few investigations there have been?

Answer. I cannot tell: these investigations take place before grand juries, and I cannot tell what occurs there, as their investigations are all secret.

Question. The State courts, you say, have failed to bring to justice any of the perpetrators of these acts?

Answer. They have in my own part of the State, so far as I know; but I know that vigorous efforts have been used by the officers of the court and by the grand juries, though, so far as my information goes, unsuccessfully.

Question. And you think the Federal courts would be as likely to fail?

Answer. I do, for the same reasons.

Question. You think the State courts better than the Federal courts, because they sit in the county where the act was committed?

Answer. Yes, sir; I think there would be more likelihood of the State court succeeding in ferreting out the offenders, because it is at the spot where the crime was committed, while the Federal court may be several hundred miles distant.

Question. Are not the grand juries in the State courts taken from every county?

Answer. Of course.

Question. In that way would it not be probable that some of the accomplices of the offenders might be upon the grand jury?

Answer. Of course they are just as likely to be as not.

Question. Is there the same danger of accomplices being on the grand jury of the Federal court which sits elsewhere?

Answer. There is not the same danger in that respect, because I believe that ordinarily the grand juries of the Federal courts are picked up in the vicinity of the court.

Question. Then, in the Federal courts that danger would be escaped?

Answer. It seems to me so.

Question. Would that apply in regard to the petit jury?

Answer. Yes, sir; it would apply in the State court, and in the Federal court also.

Question. Would the witnesses feel more or less reluctance or intimidation in testifying in the county where the crime was committed, or at a distance where the Federal court was sitting?

Answer. If they felt intimidated at all, I think they would feel less intimidated in the county of their residence than anywhere else, because they would have the protection of their friends and relatives, which they would not have at a court several hundred miles away.

Question. You say you think there ought not to be any further prosecution of those who committed the violence at Eutaw?

Answer. I stated that I thought it would be good policy for the Government to drop those prosecutions, and for the reasons I gave.

Question. Have the State courts taken that matter in hand? Have they prosecuted anybody for connection with that affair?

Answer. The State courts have no jurisdiction; they are precluded from jurisdiction by the act of Congress itself.

Question. That is a mistake.

Answer. No, sir; the State courts are precluded; entire jurisdiction is conferred on the district and circuit courts.

By the CHAIRMAN:

Question. That is not the view which has been taken of that act.

Answer. I know that is the case, because I argued a demurrer to the indictment in Mobile; and that was one point that I made, that the act was unconstitutional, because it absorbed the entire jurisdiction of crime in the Federal Government, and deprived the States of jurisdiction.

Question. Did the judge sustain the point you made?

Answer. O, no; he overruled the demurrer; the case stands for trial on a plea of "not guilty."

By Mr. POOL:

Question. I understood you to say that the bare fact that the prosecution of these Eutaw rioters has been undertaken in the Federal courts would have a good effect in the community?

Answer. I stated that I thought the Government had already accomplished by the prosecution as much as it would accomplish by a trial and conviction, or an acquittal. I will say now, in addition, that if the Government should fail in the prosecution, as I think it will fail upon the merits, the moral effect will be not very favorable to the Government; it will not be favorable to the administration of law.

Question. Has the fact that this prosecution has been undertaken made it more quiet in that county?

Answer. Well, sir, I do not know what effect the prosecution has had in that county; but I do not know of any secret or political crime having been committed in any of the counties I have spoken of since the riot at Eutaw.

Question. State your opinion as to whether the fear of being carried to Mobile for trial before the Federal court is likely to produce a repressing effect upon the disposition to commit these outrages.

Answer. I hardly know how to answer that question. These outrages, when they occur, are ordinarily carried out by men of no note or influence, either political or otherwise—men who have very little to lose, if anything. I do not know that that fear would have any restraining effect upon them.

Question. How do you know that they are men of no note or influence? You cannot tell who they are.

Answer. I know the men who are indicted at Mobile. Only one of the men indicted there is a man of note and influence, and he is Colonel Jolly. The rest are all obscure young men.

By the CHAIRMAN:

Question. Is Colonel Jolly a defendant in that indictment?

Answer. Yes, sir.

By Mr. STEVENSON:

Question. You mean J. J. Jolly, of Eutaw?

Answer. Yes, sir.

By Mr. POOL:

Question. How many were wounded in the Eutaw riot?

Answer. I was not there; I do not know; I have tried my best to find out; I have inquired of Governor Parsons and General Warner and citizens of Eutaw, and I never have certainly found out more than two men—one white and one black. I am not able to answer the question. Colonel Jolly and Chancellor Clark and Major Pierce, who were here the other day, ought to be able to answer the question. They were present.

Question. From the best of your information, do you think that as many as twenty were wounded?

Answer. I have heard so many reports about it that my opinion is worth nothing. I have heard as low down as two, and as high as forty.

Question. Have you heard names given?

Answer. If I did, I do not remember any of them.

Question. Were any killed?

Answer. My information is that there was not a man killed. I have heard that no man was killed, and no man died from wounds received.

Question. Do you reside in that town?

Answer. No, sir, twenty miles distant.

Question. Is it not a remarkable thing that there should be such a difference of opinion and uncertainty as to whether, on a public occasion like that, there were two men wounded or forty or fifty wounded?

Answer. Well, yes; it ought to be known, it seems to me. I saw what I am told was a correct account of everything that occurred there in a newspaper published a week after the unfortunate occurrence.

Question. Was it a democratic paper?

Answer. Yes, sir.

Question. What did it state?

Answer. I do not remember now. I tried to get a copy to bring with me; I lost my copy. I understood, though, that some of the gentlemen from Eutaw brought a copy with them.

Question. How many did that paper say were wounded?

Answer. I do not remember.

Question. As many as twenty?

Answer. I do not remember what the paper said about that. I saw Governor Par-

sons at Meridian the next day. I was in Meridian when the unfortunate affair occurred. He could not tell me how many were wounded. General Warner could not tell me. He said he saw one man fall. I have not seen any two persons who agreed as to the number wounded; nor did all agree that there was nobody killed. I think the opinion of General Warner and Governor Parsons is that there were one or two killed, though citizens of Eutaw say it is not true. If any of the negroes had been killed, I think it would certainly have been known. The negroes themselves, a great many of them, would have told it. Major Hays would know; he was there. My opinion about that is not worth a cent, because I do not know anything but what other people told me; and they have not at all concurred in regard to the matter.

Question. Is it not a remarkable fact that there should be doubt as to whether forty or only two were wounded on a particular occasion by gunshot wounds?

Answer. You must remember that there were a great many negroes there that day—probably a thousand; and they were from all parts of the county; and it was a very exciting occasion. The whites were excited, and the blacks were excited, and both sides were frightened. There was a general stampede. It is said there was nobody left on the ground so badly wounded that he could not get away, and none was left there dead. I think there are honest men enough in Eutaw to tell the truth about it. I think they would tell if they knew any to have been killed. I think they would tell me how many were wounded. It is not unnatural that there should be a disagreement as to the number wounded, when the negroes carried off their wounded—left nobody on the field.

Question. Did not the authorities make any investigations?

Answer. I am not able to answer about that. I do not reside in that county, and I never inquired about that. I take it for granted though that they did.

Question. Did you mean to say that the act of Congress prevents the State authorities from taking cognizance of an assault and battery or a murder of that sort committed within their borders?

Answer. I say that the act of Congress gives the United States courts exclusive jurisdiction of all offenses committed under that act, by which a political meeting is interrupted or broken up or any crime committed during the continuance of the attempt to break it up.

Question. You say, then, that if a murder was committed at a political meeting, the State courts cannot take cognizance of it?

Answer. I think not, if it is committed in the execution of an attempt to break up a political meeting.

By the CHAIRMAN:

Question. Was not the indictment in the case in which you were counsel drawn under the act of 1870, called the enforcement act—not under the Ku-Klux act?

Answer. Of course it was under the previous act. The Ku-Klux act has just been passed. This Ku-Klux bill has nothing to do with the case pending in Mobile, and nothing to do with the Eutaw riot. That was prosecuted under the act of 1870.

By Mr. POOL:

Question. Have you ever known any democrat to be subjected to an outrage by a band of disguised men at night?

Answer. I think not.

Question. If, then, these offenses are committed upon republicans only, why do you think they have no political significance and are only sporadic?

Answer. I have no information except what I have told you on this Ku-Klux question. I know of no such organization except to the extent I have mentioned. The crimes committed all seem to have been committed, so far as my knowledge goes, either from private revenge, or to punish some public offense by a proceeding in the nature of lynch law. I cannot say that there have not been offenses committed on democrats. I only say that I don't know of any. I believe I have only mentioned three cases in which crime has been committed upon republicans.

Question. You say these outrages are frequently committed by men who are not in disguise?

Answer. I suppose so, because my servant told me, the night that old man Burke was killed, that those men were not in disguise.

Question. If they are not in disguise, how do you account for the fact that there is not some identification of them?

Answer. I cannot tell, except upon the idea that the parties come from a distance, and are not known in the community where the crime is committed. After the murder of Richard Burke, I saw a friend, residing at a distance of ten miles from the scene of the homicide. He told me that he had that morning met a party of men in disguise, armed with double-barreled guns, and that he did not know one of them; that they were going in the direction of Mississippi.

Question. If these acts are committed for some private grudge or against some obnox

ious individuals, how do you account for the fact that they are committed by men who are not acquainted with the individuals, and who do not reside in that locality, but come from a distance?

Answer. Well, I suppose if they do come from a distance, they are induced to come by those who want the crime committed, without the probability of being detected as being themselves concerned in it.

Question. Does not that impress your mind with the idea that there is an organization extending through several counties?

Answer. Well, sir, it would look that way. But it is impossible, it seems to me, that it can amount to more than a handful of desperadoes.

Question. Why is it that a community of good men do not rise up and put down a handful of desperadoes who are not even disguised?

Answer. If the grand jury, with all the means at hand, and the court, with all its machinery and all the energy of its officers, cannot ferret out these men, what can private citizens do?

Question. You are a lawyer of a great deal of experience and knowledge of the common law. Has not every private citizen a right to make hue-and-cry, and to pursue and even arrest the perpetrator of a capital felony?

Answer. I think so.

Question. If a community were intent upon putting down these crimes, could not the whole of them rise up, and any man, in the same manner as if he had a warrant, arrest the offender, and have right and law upon his side?

Answer. Well, sir, these men, so far as my information goes, act with great celerity. They accomplish what they undertake to do suddenly, disappear suddenly, and are out of reach of pursuit suddenly, and, if pursued, according to my information as to those who have been seen publicly, they are well armed and desperate men; and law-abiding, peaceful citizens are not going to pursue that class of men, unless they are required to do so by some public officer, authorized to summon them. I would not do it myself.

Question. Suppose those outrages had been committed upon white democrats, would it be otherwise as to the pursuit and effort to put them down?

Answer. I do not believe it would, if committed by that class of people. If committed by what they call Ku-Klux, there would be no more attempt to arrest them for the murder of a democrat than the murder of a republican, because the personal danger from those desperadoes would be just the same.

Question. How is it that anxiety for personal security does not induce the community to rise up and put down a roving band of assassins and outlaws?

Answer. You have to find them out before putting them down, and while you are trying to find them out, you may become a victim yourself.

Question. Then the reason is the fear and dread that they have created in the community?

Answer. As I said awhile ago, there is an apprehension. I was asked, if I should see a murder committed, whether I would not feel some apprehension in going before the grand jury or any public officer, and disclosing the fact. I answered, yes. The same sort of feeling exists in respect to any other attempt to bring these men to justice, or ferret them out. You cannot bring them to justice till you ferret them out, and how are you to ferret them out? If, as I have said, a grand jury cannot do it, the private citizen cannot do it. The whole community may rise up; but the very men who committed the crime may be part of that community rising up; they may be the first to cry, "Stop thief."

Question. Then you mean to say that those men have inspired such dread in the community that citizens will not, in the discharge of their duty as private citizens, rise up and put them down, without the interference of an officer?

Answer. I do not say that. I cannot say more on the question of personal apprehension than I have stated already. I am satisfied that if the citizens knew that any person had been concerned in a homicide, or any other secret crime in violation of law, they would take prompt and necessary steps to have the offender arrested and brought to justice. But it is not to be expected that a man will be striking for an enemy in the dark, when that enemy sees him, and he does not see the enemy.

Question. You say, then, that the community generally decline to go in pursuit of capital felons?

Answer. No; they simply do nothing, because they cannot do anything.

Question. And they make no effort?

Answer. They go along as usual, and expect the law to take its course.

Question. You say the State courts and officers have failed to bring the offenders to justice?

Answer. Thus far.

Question. Is it not time that some other authority should intervene to try its hand?

Answer. Well, it seems to me that if anything ever could have been accomplished, it is too late to do it now. I do not know of any offense committed secretly or clandes-

tinely since the last election in Alabama; and now that the thing has subsided, and this band dispersed, if they were ever congregated together, I cannot see the wisdom of trying to rake up the past. If there were any crimes being committed in that way now, there would be more reason for taking active steps to suppress them. I have not heard of an offense of that kind being committed in Alabama since the last election; and I do not believe there is likely to be any unless it is in pursuit of private revenge.

Question. Have these offenses been directed principally against colored persons?

Answer. I do not know of any colored person having been secretly murdered, except old man Richard Burke, and those two murderers who escaped from jail in Greene County. I do not know of any white republican having been murdered or injured in his person or property except Boyd, who lost his life, and Judge Smith, who lost his mill and his cotton-gin.

Question. Do you know of a probate judge being fired at?

Answer. I heard that the probate judge of Choctaw County was fired at from behind a pine tree, in broad daylight, and wounded in the arm. That is all I know about it. I know the judge very well.

Question. Do you know of an editor of a republican paper being attacked in the streets of Eutaw?

Answer. Yes, sir, I heard of that. I know him very well, and know he was very badly beaten. So I heard; I have not seen him since the occurrence.

Question. Has any one been prosecuted for that act?

Answer. I think the person who beat him is under indictment in Greene circuit court. There has been but one court held since the occurrence, and that was a month or two ago. I think the man was indicted.

Question. Do you know of threats being made against the circuit clerk of Greene County?

Answer. I know him very well. I heard that he received an anonymous letter warning him to leave the county, but he did not go in pursuance of that warning, and he was not hurt. Some months afterward he voluntarily resigned. I do not think he resigned through fear of personal injury. He did not give me to understand that, and I do not think he was in any personal danger.

By Mr. BLAIR:

Question. Senator Pool has asked you whether you intended to state that Congress elected all the officers in Alabama. You answered in the negative. Now, was not that practically the fact?

Answer. I stated that Congress did not do that directly, but incidentally, in forcing a constitution upon the people of Alabama which they had rejected, and along with that constitution public officers who were elected under it, and who naturally fell with the constitution when it was rejected by the people. Those officers are still holding under that constitution and under that election.

Question. Then, practically, or in effect, the officers who were placed over you in Alabama were elected by Congress?

Answer. That is the practical result to us. I stated that before.

Question. That, as a matter of course, was a cause of great irritation to the people of the State, was it not?

Answer. It was at the time a cause of very great irritation. We thought we were greatly wronged.

Question. The people of the State generally knew the fact to be that this constitution, having been rejected according to the law of Congress, had come back here, and Congress in the first instance defeated the effort to impose it upon the people, but some three or four months afterward adopted it. You knew those facts in the State pretty well?

Answer. Yes, sir.

Question. I presume that the action of Mr. Stevens in moving to recommit this constitution was very well understood?

Answer. Yes, sir; all those things are a matter of public history, which intelligent people of the State very well understood.

Question. Mr. Stevens's action, and the action of Congress itself subsequently, in imposing this constitution upon your people, and with it this whole batch of officers, was regarded by the people of the State, as I understand you, as a great outrage?

Answer. We felt that way at the time; but, as I have already stated, we do not feel that irritation about it now, by a great deal, that we did at first, because we have determined to submit to whatever happens, and do the best we can to build up our material prosperity.

Question. The question was asked you whether the people believed Congress had the right to impose a constitution upon them in that way?

Answer. Well, the best-informed politicians in my part of the country did not think Congress had the constitutional right. I never gave myself much concern about it.

In the then state of things, I considered the power to do it the same as the right to do it—practically the same to the southern people; and therefore there was no use of drawing any distinctions between them.

By Mr. STEVENSON:

Question. You spoke of a band of about sixty disguised men who appeared at Pleasant Ridge, Greene County.

Answer. I only spoke of them from rumor.

Question. I know that. Were those men spoken of as Ku-Klux?

Answer. I will state the way my information came. I met with some friend from Greene County, who said to me, "Did you hear about those Ku-Klux?" Said I, "What Ku-Klux?" "Why," said he, "sixty Ku-Klux appeared in Pleasant Ridge the other day about 12 o'clock; and they went through various cavalry evolutions in very handsome style. They were disguised, and their horses painted, so that it was impossible to recognize any of them. They never spoke a word either to themselves or any one else; and after going through their evolutions, they went off in the direction of Mississippi."

Question. Did they maneuver by signs?

Answer. Yes, sir.

By Mr. VAN TRUMP:

Question. Did your informant say he saw them?

Answer. No, sir.

By Mr. STEVENSON:

Question. When was that?

Answer. I think about a year ago. I cannot recollect whether it was a year ago or two years ago. I think, though, that it was a year ago, about this time. I never heard of a disguised man in the county since.

By Mr. VAN TRUMP:

Question. Did you ever hear that circumstance spoken of since?

Answer. No, sir; that was the only time I ever heard of it; and I have never heard of any demonstration similar to that, or any other disguised men in Greene County, either in the day or night.

By Mr. STEVENSON:

Question. You did not live in that county?

Answer. No, sir; I live fifteen or sixteen miles off, in another county.

Question. Who was it that spoke to you about it?

Answer. I cannot remember.

Question. You said it was a friend of yours?

Answer. I know it was a friend, but I cannot remember his name.

Question. A white man?

Answer. Yes, sir.

Question. He had no doubt of the circumstance?

Answer. He did not speak as though he had any.

Question. Supposing that those men appeared and maneuvered in that way, how do you account for their drill and maneuvers, unless they were a body of men who had been some time together, and who had trained together?

Answer. Well, sir, there is only one way to account for it besides that, and that is this: there were in Greene County a large number of soldiers from the confederate army, both cavalry and infantry, a very large number, and it is not at all improbable that the capacity to perform these military evolutions was obtained while in the confederate army. If it was not, then of course they must have had some practice. But it seems to me altogether incredible that they should have had practice anywhere in Alabama, either in daylight or night-time, for a sufficient time to have become as expert as they were represented to be on that day, without being seen before or since.

Question. Their maneuvers were admirably done, as you understood?

Answer. Well, that is not the exact idea; but they were well done.

Question. Then you can only account for them by supposing that that number of well-drilled cavalry soldiers with well-drilled cavalry horses, had got together speedily; you think that that must have been the case, or else they must have been drilled together?

Answer. Yes; I think they must have known something about it. I cannot tell, though, the correctness of the judgment of my informant as to whether they performed well or not.

Question. Did you not hear of the parade of Ku-Klux in Huntsville, Alabama, in 1868?

Answer. I did not; I heard of it for the first time since I have been here.

Question. You speak of two elements of discord. You say that the great mass of the

people in your region of Alabama are quiet and well disposed; but there are a few wild young men in each county?

Answer. I suppose they are such young men from the circumstance I mentioned a while ago, that the only one ever discovered (and he was killed) was a desperate, dissipated young man.

Question. And the other discordant element you named as being a few violent politicians?

Answer. Yes, sir; extreme politicians.

Question. Now, whether these men are the men who constitute these Ku-Klux or not, you know that such characters do exist generally there?

Answer. Yes, sir; of course there are extreme politicians in every part of the country.

Question. Is it not possible for those two elements combining to cause trouble at any time—to cause any prominent republican to be in danger of being injured?

Answer. I think not.

Question. Is it not possible for those two elements combining to disturb any political meeting at any time, whenever they will?

Answer. To be sure. There is no necessity of a combination of that sort in order to break up or disturb a public meeting. That can be done by an instantaneous arrangement among persons determined to accomplish it for mere deviltry or political purposes.

Question. Is not the state of society between the two races more or less inflammable there?

Answer. Yes, sir.

Question. So that, if a conflict occurs between a white man and a black man, there is a tendency at once on the part of the white people to take the white man's side, and perhaps on the side of the colored people to take the colored man's side?

Answer. I think that would depend upon which was in the right. I mean that is the state of feeling now. The state of feeling between the whites and the blacks is one of entire friendship and kindness. They are more friendly and kind toward each other, and have more confidence in each other now, and have had for the last six or eight months, than they have had at any time since the close of the war. The employers deal kindly and honorably with the employed, and the old attachments that existed between master and slave seem to some extent renewed. And I attribute that fact to this circumstance: that the bad men who floated over among the negroes for selfish purposes have been found out by the negroes, and have been driven out of the country either by the force of public sentiment, or by having failed to accomplish in a pecuniary point of view what they desired. That element which disturbed the negroes, and produced alienation between the whites and the blacks, has pretty nearly ceased to exist.

Question. You think that in the state of society existing there now, those two elements of which you spoke would not have it in their power to cause general apprehension?

Answer. Do you mean these desperate young men and violent politicians?

Question. Yes, sir.

Answer. They are not numerous enough.

By Mr. BECK:

Question. Your informant did not himself see this parade of sixty Ku-Klux?

Answer. I did not understand him to say so; and I do not know that I ever heard any person say that he himself ever saw it.

Question. You do not know whether the person who told you had seen it?

Answer. No, sir, and I do not know that it is true. I pass through Pleasant Ridge very frequently going to court, and I am very well acquainted there; know some of the citizens there, and they never told me anything about it; but it never occurred to me to inquire.

Question. You do not know whether the statement came originally from a white or a black man?

Answer. My informant was a white man.

Question. You do not know whether the persons who pretended to have seen it ever did see it; in other words, you do not know whether it was not the story of the "three black crows" over again?

Answer. My informant may himself have been misinformed. Pleasant Ridge is only about twenty miles from Eutaw, the county seat of Greene County; and although I never made any inquiry on the subject, I never heard anything said about it in Greene County. When my informant told me, I took it for granted that it was true; and I inquired what the men turned out for. He said he did not know; that they appeared to go through these evolutions just for display, and went off. Nobody was disturbed either before, or at the time, or after they were reported to have appeared there.

Question. You do not know whether these cavalry men were a myth or a reality?

Answer. No, sir, I do not know. It may have been a mere frolic on the part of some young men, to temporarily frighten the citizens.

By Mr. STEVENSON:

Question. When your informant told you, was it your impression that he had seen them or not?

Answer. I think he told me that he had been told so. I think he told me that he was told that this demonstration was made on the day before he was speaking.

By Mr. BECK:

Question. As to the conflicting reports made about the Eutaw riot, was it or was it not the evident interest of the republican party, during the canvass, to magnify that affair into as great an outrage as possible, by exaggerating the number of killed and wounded, for the purpose of exciting the negroes against the whites because of that alleged wrong?

Answer. I do not know about that. I do not know that any misrepresentation of the facts could have changed the result of the election in the slightest degree, to either party.

Question. Is it your understanding, that combinations, wherever they have existed in your region of country, to do a particular wrong, have been begun and ended by the perpetrators for that special case, without connection with anybody else except the men taking part in it?

Answer. Well, sir, all I can say about that is this: I would hear of a crime being committed secretly. The question would be asked, "Did you hear that the Ku-Klux did so-and-so?" I would reply, "No, what is the matter?" They then would say, "Certain men did so-and-so at a certain time, and then disappeared, and there was no telling where they came from or where they went." That is the way I got my information. I gather from this, that the organization was for the purpose of the particular occasion, and when that was accomplished, that was the end of it until a new occasion arose for the commission of a new offense.

Question. It is your idea that disguises were worn by these men for the purpose of preventing detection?

Answer. I have heard of offenses being committed in disguise, and without disguise.

Question. When a disguise was worn, it was for the purpose of preventing the detection of the perpetrators of the act?

Answer. Of course.

Question. To give them greater security and means of escape?

Answer. Of course.

By Mr. COBURN:

Question. You said that in your opinion it would be the best policy not to prosecute these criminals. Now, who would become more friendly to the Government by reason of these prosecutions not being made?

Answer. Among others, the very men prosecuted. I think that generosity on the part of the Government toward those who may in reality be criminals would have a mollifying effect, not only upon the accused themselves, but upon their friends. My idea is, that you may break a man's heart with kindness, when you cannot do it with a sledge-hammer.

Question. Why should the Government be more generous to men committing these crimes than to men who commit ordinary crimes—larceny, perjury, murder, &c.?

Answer. Because these prosecutions I am alluding to are for political crimes, and not strictly crimes against morality. I think there is a difference between a merely political crime and one which involves moral turpitude. The Government can forgive a political crime, when it might not be proper to forgive a crime involving moral turpitude.

Question. Do you regard these outrages upon citizens which are pointed out in this Ku-Klux law as political crimes?

Answer. No, sir. I thought you alluded to the prosecution of these young men in Mobile, and the other prosecutions of that kind.

By Mr. BLAIR:

Question. Is it not regarded as a great stretch of power for the Federal Government to assume jurisdiction of those cases?

Answer. That is the opinion among lawyers. I do not know what the general opinion of the masses of the people is.

Question. Is not that one ground of irritation?

Answer. That is the opinion among lawyers, but I do not know what the sentiment of the people at large is.

By Mr. COBURN:

Question. Have you not in your testimony referred to this Ku-Klux law as being peculiarly odious—much more so than the law passed to enforce the fifteenth amendment?

Answer. I do think I did. I stated that the prosecutions which I thought it would be politic for the Government to drop were prosecutions under the act of 1870, not under the last act.

Question. Do you not regard the last act as odious, and as creating dissatisfaction?

Answer. I have not heard that act discussed among the people further than it has been discussed by the newspapers. To tell you the truth, I have not read carefully the whole of this last act. I have read enough of it, though, to come to this conclusion: that it is impolitic, for the reason I stated awhile ago—the people regard it as an additional evidence that the Government regards the southern people as rebels and enemies still, and holds them responsible for the acts of a few desperate, irresponsible men.

Question. Are not these offenses against which this act is directed the offenses of individuals and not of the community?

Answer. Certainly they are, so far as responsibility for them is concerned; but in a political point of view, the whole southern people are held responsible for these crimes.

Question. Do you mean to say the southern people are responsible in a political point of view for these crimes committed in violation of the Ku-Klux law?

Answer. I say that the public sentiment of the northern people, and perhaps the sentiment of Congress, is that the southern people are responsible for these crimes, and are concerned in them; whereas, in point of fact, the men who commit them, if they exist at all as an organization, are a mere handful of men of probably desperate character.

Question. If the men who commit these outrages are a mere handful of desperate characters, why is it that a large portion of that community are opposed to their prosecution for these crimes, or to the punishment of these offenses?

Answer. I do not know of any evidence that a large portion of the southern people, or of any community in the South, are opposed to the punishment of these men. I stated awhile ago that in my part of the country, if any good citizen had the means to bring any of those men to justice and punishment, he would do it, even although he might feel that he was imperiling his own safety. I repeat that statement now. I believe it. You cannot bring these men to justice till you find them out; and the community, while going to hunt for these secret assassins, may be assassinated themselves without any hope of detecting them at last. The people argue: "If the public officials cannot ferret out these men, with all the appliances of the grand jury and the courts, how is it possible for us citizens to do it?" And I think the argument is very reasonable.

By Mr. COBURN:

Question. What are your politics?

Answer. In old times, before the war, I was a whig; since the war I have taken very little interest in politics. When I have acted politically, I have acted with what is called the democratic party. I undertake to be a moderate man in my opinions, and a man who has all proper respect for the opinions of my adversaries.

WASHINGTON, D. C., *June* 30, 1871.

P. T. SAYRE sworn and examined.

The CHAIRMAN, (Mr. POLAND.) As this witness has been summoned at the instance of the gentlemen composing the minority of the committee, I will permit them to begin his examination.

By Mr. BLAIR:

Question. Where do you live at this time?

Answer. In Montgomery, Alabama.

Question. How long have you lived there?

Answer. I went to Montgomery when I was a mere infant, and I have lived there ever since, with the exception of some intervals in the meantime. I have been living there now since 1852.

Question. I would like to have you give a succinct statement of the condition of affairs in your State, with particular reference to the execution of the laws; stating whether they are properly executed or not, and the condition of the State generally in regard to its tranquillity.

Answer. I have been a practicing lawyer in Alabama since 1843, and have been in regular attendance upon the courts in that State ever since that period. Within what time would you like my answer to your question to be confined?

Question. We want to inquire more especially in regard to the present condition of the State.

Answer. Well, sir, it is as quiet and peaceable a community as I ever knew in my life.

Question. There is no difficulty in the execution of the laws?

Answer. Not a particle. I never heard of a case of resistance to a process of the court in that part of the State, not for a great many years. Occasionally, a long while ago, there would be some drunken man who would offer some resistance, but it would amount to nothing. I am satisfied that since the war I have not heard of anything of the sort, and there has been no indictment found for any offense of that sort; in fact, it is an offense almost unheard of in that State.

Question. Is there any organized band of men in your State who commit crimes?

Answer. Not to my knowledge, and so far as my opinion is concerned, I do not believe there is. I have read in the newspapers of violence being occasionally done by men who are said to be organized, and disguised, but I have never seen anything of the sort, and I have never seen anybody who did, or if they had seen it, they did not communicate it to me. I am satisfied there has been no political organization of that sort, or any organization for the purpose of affecting politics. I was a member of the last democratic State convention, at which there was an attendance, I suppose, of three or four hundred delegates from all parts of the State, and the plan of the campaign and the prospects of the party were thoroughly discussed by the individual members of the convention. I was also a member of the executive committee of the State, and I never heard from any member of the convention, and I never heard from any member of the executive committee, I have never seen any communication to the executive committee in which it was even suggested, that the election was to be affected in any way by violence or intimidation. On the contrary, that committee issued an address to the people of the State telling them and beseeching them not to have any violence of any sort, shape, or fashion, saying that that was what we supposed our enemies wanted, and that our object was to have peace and quiet in the election, for we were satisfied that we could beat in a fair vote, and did not want to have any excuse for any trouble. I am satisfied that was the opinion and desire of the people of the State. And, furthermore, that committee entered into an arrangement with the executive committee of the republican party by which, in counties where the democrats had a majority of managers, a republican, or two republicans, were to be appointed to be present at the polls, and to be present when the votes were counted; and in counties where the republicans had a majority, the same privilege was to be given to democrats. I think that agreement was carried out faithfully by both parties. I know that in regard to the city of Wetumpka, which was under the control of the republicans, it was telegraphed to Montgomery that the republican official there refused to carry out that arrangement; and the chairman of the republican State committee telegraphed to him that such an arrangement had been made and he must stand up to it, and he did so.

Question. That was in Wetumpka?

Answer. Yes, sir; about fourteen miles from Montgomery. I never heard of any disturbance at all in Alabama during the last election.

Question. In your county?

Answer. In my county, and I did not hear of any disturbance on the day of election in the State.

Question. What is the state of feeling between the whites and blacks in the State?

Answer. I live in a very large negro county, one of the largest slaveholding counties in the State before the war. I never saw the races get along more quietly and peaceably. I myself plant in a neighborhood where there are a very large number of freedmen employed, several thousand, I reckon, in a radius of a very few miles. There never has been any sort of difficulty at all there among them; no complaint of nonpayment of wages, of violence, or murder, or anything of the sort. Most of the negroes who are there were raised, and a large number of them were owned, by the people who are now employing them; that is the condition of that whole section of country.

Question. Do you practice in any other county than the one in which you live?

Answer. I do not make a habit of going to other counties, but within the last year I have been in other counties; as a general rule, I confine my practice to my own city. I have been in Bullock, Elmore, and Dallas Counties.

Question. As a general thing the laws are respected there by both races?

Answer. By both races. I know very few white men in Alabama, in my section of the country, who belong to the radical party, the republican party, except those who hold offices.

Question. And there are very few negroes——

Answer. There are very few negroes who belong to the democratic party.

Question. How does it happen that the parties divide upon that line?

Answer. My opinion about that is that it commenced with the establishment of the Freedmen's Bureau; I do not think there would ever have been any division of that sort but for that.

Question. Give us, as briefly and succinctly as you can, the process and management of that Bureau.

Answer. Well, when the agents first came there, after the occupation of the country by General Smith's army, I think it was, they established a Freedmen's Bureau. They notified everybody that they must employ their freedmen, and that all their contracts must be submitted to the inspection of the Freedmen's Bureau; that no man would be allowed to employ freedmen unless their contracts were submitted to and approved by that Bureau. Well, they listened to every sort of tale that any dissatisfied negro might choose to tell; they would send out and arrest white men, bring them in under guard, try them and put them in jail. They got hold of plantations there, what they call refuges for freedmen. It was announced that if the freedmen got dissatisfied they could enter there, and be fed and clothed, and taken care of. In that way a large number of negroes were enticed away from plantations where they had been living, and they flocked to these places. Hundreds of them died from neglect. The impression was produced upon the negro that the white man who had been his master was his enemy, and that these men were his peculiar friends; that they had nothing to expect from and through their old masters. They then commenced the establishment of these Loyal Leagues, into which they got almost every negro in the country. They would send their agents all through there, from plantation to plantation, until I expect there was hardly a negro in the whole country who did not belong to the League. In that way a want of confidence was produced between the negro and the white man, and a feeling of confidence between the negro and the agents of this Bureau. It has been a very troublesome thing to counteract that; but it has been so far counteracted now that the negro has confidence in the white man in everything but politics; I do not think he has much confidence in the white man about politics yet, but I think that feeling is done away with to a great extent. They would tell all sorts of tales before elections; they would send regular orders to the League members on the plantations to go and vote. I have been told that order extended to negroes from fifteen years and upwards. Negroes themselves have told me that they voted the republican ticket for the reason that they were informed by these men that, if they did not do it, they would be put back into slavery, and their wives made to work on the road. It had such an effect that a gentleman in Montgomery told me that some of his own former slaves came back to him after the election and said, "Well, massa, what house must I go into? I understand that the democrats have succeeded, and that we are slaves again."

Question. Give us an account of the manner in which this organization was used as an instrument to electioneer for the republican party, and bring it into power?

Answer. I once saw a copy of what was said to be a constitution of the organization of the Loyal League. There was in that an oath which they all had to take, and in which they swore that they would vote for the nominees of the League. That has been the chief instrument by which that vote has been controlled. The negro has got the idea into his head that if he does not vote that way some terrible punishment will be visited upon him.

Question. Do they assume to impose fines and other punishments upon the negro members of the League, who vote in violation of the decrees of the League?

Answer. I cannot answer that question; I do not think I have ever heard anything upon that subject.

Question. From the negroes themselves?

Answer. No, sir, I do not think I ever heard them say anything on that subject.

By Mr. BECK:

Question. Who were generally put forward as the nominees of the party under this organization for the most important offices; citizens of your State, or men who came there to get those offices; Bureau agents?

Answer. In the county in which I live, the senator from that county is a man who has lived there a great many years, a man of means and property, and a man of good sense. One of the representatives is a man by the name of Harmount; he was an agent of the Freedmen's Bureau; I do not know where he came from. He has been living in the county ever since, and is apparently a decent man, a well-behaved man. Another is a man who came from Austria, by the name of Stroback. I understood that he was a sutler or something of that sort in the Federal Army. I further understood that he never has been naturalized; I do not know about the truth of that. He was said to have been a gentleman in his own country; I do not know about that, but he certainly is not one in Montgomery. He is a man of a great deal of sense, and I think a dangerous man in any community situated as ours is. The others are three negroes; two of whom I knew very well. One of them is named Holland Thompson; he is a very respectable negro.

Question. You need not go into detail in regard to each county. How was it generally throughout the State?

Answer. As a general rule throughout the State, that was the class of people they nominated; negroes and men who had no interest in the country; that is the general statement about it

By Mr. BLAIR:

Question. Many of whom were associated with the Bureau?

Answer. Yes, sir, a large number of them were creatures of that Bureau, made by it. Mr. Buckley, a member of Congress here, was an agent of the Freedmen's Bureau, and that is the way he got his office.

Question. In reference to the constitutional convention that framed your constitution which was afterwards rejected, I would ask how that convention was composed?

Answer. Largely of people who never lived in the State, who had no interest in the State. Counties were represented there by men who never were in the counties at all, and I do not expect they have ever been in them to this day.

Question. The constitution which they formed was not acceptable to the people as appeared by their vote?

Answer. No, sir; it was very unacceptable to them.

Question. In what respect was it unacceptable?

Answer. In several respects; the disability part of the constitution was very objectionable to them. They objected to it, also, for the reason that it created offices which never had had any existence in the State before, and for which they saw no occasion or necessity. We never had a lieutenant-governor in the State, never saw any use for one. They also made an officer which they called, I think, the commissioner of industrial resources; that office was a mere sinecure. They gave him a salary of $2,500 a year, I think, with clerk hire, and the man had nothing to do except to draw his salary. He cost the State five or six thousand dollars a year, and I do not suppose he ever did an hour's worth of work; there was really nothing for him to do. Another objection to the constitution was that it made the whole judiciary of the State of Alabama elective, from the supreme court down to a justice of the peace, the attorney-general, and all the solicitors. It changed the character of the solicitors by making them elective in each county, instead of having a solicitor in each circuit, which was the old plan, and one which worked very well. It abolished entirely any right to imprison for debt. Under the old law we had no such thing really as imprisonment for debt; but a man might be arrested upon a *ca. sa.*, and upon an exhibit of property he was discharged. But under the constitution as it now stands a man may be worth a million of dollars, and, unless a law passed at the last session of the legislature could reach him, you could not collect a dollar from him. Another objection was that the governor was authorized to appoint notaries public; I do not recollect the number of them, but a very large number, who had the same jurisdiction that justices of the peace had. In our State justices of the peace have jurisdiction of all claims under one hundred dollars; and suits must be brought against the parties either in the precinct in which they live, or in the precinct in which the contracts were made. But notaries public have jurisdiction all over the county, and they can bring a man forty miles, away down from one corner of the county to another corner of the county, to answer a little demand of $5. All these objections existed against the constitution.

Question. Was there anything on the subject of election laws embraced in this constitution?

Answer. No, sir; the election laws were passed by the legislature of 1868. Those laws repealed the old election law, which existed anterior to that time, and, to my mind, left it in a very singular condition. Under the registration law the books are kept open all the time, and a man can go into the judge of probate's office at any time and register; and there is nobody there to challenge him and ask him whether he is a legal or an illegal voter, or anything of the sort. He takes a certain oath, it is true. That registry is open on the day of election, and it is the duty of the officers of election to keep it within a certain distance of the polls, so that anybody can register who chooses; and under the construction given to that law, after he registers there is no punishment for illegal voting. A man may vote forty times, and there is no law in the State whereby he may be punished.

By Mr. BECK:

Question. No power to challenge his vote?

Answer. No, sir; it is an indictable offense to challenge a vote in the State of Alabama.

By Mr. BLAIR:

Question. After the constitution was submitted to the people and rejected according to the act of Congress, and it was afterward by a subsequent act of Congress put in operation in the State, and the officers elected under it, at the time of its failure——

Mr. BECK. Defeated under it.

Mr. BLAIR. Defeated under it, as a matter of course, because the constitution failed; after that, was it a source of annoyance and irritation to the entire people of the State that they should have had officers put upon them in that way?

Answer. Yes, sir; I think it has done more to produce a bad feeling than anything else that has occurred. I do not think that all the incidents of the war produced as

had an effect upon the minds of the people as the imposition by Congress of that constitution upon the people. They regarded themselves as having been entrapped. They had been told that that constitution was not to be the constitution of the State, unless it received a majority of the registered votes of the State. The people of the State did not like the constitution, and they adopted the best means they knew to defeat it, and that was by staying away from the polls.

Question. In strict accordance with the act of Congress?

Answer. In strict accordance with the act of Congress. The people registered, and if the constitution had not contained those features to which I have alluded, the people would have voted.

Question. It was a constitution made by the agents of the Freedmen's Bureau, and other aliens to the State, and imposed upon them in violation of the will of the people of the State?

Answer. Yes, sir. It is true they had to live under that constitution and to endure it; but they have never regarded it as a constitution made by the people of the State of Alabama.

Question. What was the class of officers, the character of the men, generally brought into office by the action of Congress?

Answer. Well, sir, I reckon a more ignorant set of men, and less qualified to discharge the duties of their various offices, were never put upon any people anywhere.

Question. What was the character of the legislation that followed after the accession of those people to power?

Answer. Well, there were a great many laws passed, the object of which was to sustain the party in power there, to build them up and to perpetuate their hold on power This election law was one of them. And I recollect another law they passed, which is in existence now, by which the judges of probate—and at the time the law was passed, I think, every one in the State was a republican—had the right to designate the papers in which legal advertisements should be made. They always designated republican papers; and if there did not happen to be one in the county in which the judge of probate lived, he would select one three or four counties off. Before that the law was that the parties interested in the advertisements might select the paper in which it should be published; the judge had nothing to do with it.

By Mr. BECK:

Question. Are most of the advertisements those in which democrats alone are interested?

Answer. I do not believe I have ever seen one in which a negro was interested at all.

Question. Thereby you helped to support their press?

Answer. Certainly; the people, opposed to them in politics, have supported their press ever since they existed, and are doing it now. If it was not for that, not one would exist in the State.

By Mr. BLAIR:

Question. A number of bills were passed by the legislature in aid of railroads. Was it the belief of the people that those bills were corruptly passed?

Answer. Well, I do not suppose that many people entertained any doubt about the fact that bribery was used to a very considerable extent in getting several bills passed through the legislature. The bill in aid of the Chattanooga Railroad, one in aid of the South and North road, and one in aid of the Mobile and Montgomery road, I have very little doubt but what money was paid in each case.

Question. Have you mentioned the bill giving two millions to the Alabama and Chattanooga Railroad?

Answer. Yes, sir; my own opinion is that the other roads are just as guilty; I do not think there is a particle of difference between them. There was a singular thing happened in reference to one of those railroads; I do not recollect now which one it was. The chairman of the committee to which the bill was referred reported one day against its passage. In a very short time the bill was recommitted, and the very next morning, without any new light having been thrown upon the subject, without anything having occurred in the meantime publicly to produce a change in the public sentiment, that same chairman of the same committee reported the bill favorably.

Question. Did the action of Congress in imposing upon the State this constitution, and these bad and incompetent officials, have any effect upon the political sentiment of the State?

Answer. Yes, sir; it had a very great effect upon the political sentiment of the State. In 1865, after the war, I have always believed that if the people of the South had been treated as they supposed they would be, and as in their opinion they ought to have been, the republican party could have controlled all of those States without any trouble. The people there cared nothing for the democratic party; they cared nothing particularly about the republican party; they were for the party that would give them peace and quiet; that was all they wanted. And they would have gone for

whatever party did that. Even as late as the election of General Grant, in 1868, thousands of men refrained from voting, for the reason that they believed he would be some obstacle, some breakwater, between the legislation of Congress and them. He had started out with the motto, "Let us have peace;" and they thought we would be much more likely to have it under him than under Mr. Seymour. I know of my own knowledge that a great many men entertained that opinion. A great many voted for General Grant on that ground; a great many abstained from voting entirely for the reason that they did not care to make any opposition to the election of General Grant; and a large number of gentlemen, who acted with the republican party as late as 1868, have since that time abandoned it, and now act with the democratic party.

Question. By reason of these acts of Congress?

Answer. Yes, sir; nothing else in the world.

By Mr. BECK:

Question. Can you give us any idea about the strength of the white republican vote in Alabama now?

Answer. My own opinion is that five thousand would cover them all.

Question. Was there at any time more than that?

Answer. Yes, sir; I think so. I merely judge from my own county; I know a great many gentlemen there who used to act with the republican party, but who do not now.

By Mr. BLAIR:

Question. That was particularly the case in the northern part of the State?

Answer. In the mountain regions, yes.

Question. There were a great many persons in the mountain regions inclined to act with the republicans, were there not?

Answer. Yes, sir.

Question. In reference to the taxes and expenses of your State government, and of your county organizations, how do they compare now with what they were previous to the adoption of the constitution?

Answer. Before the war, my recollection is that the tax upon real estate was 25 cents on every hundred dollars' worth, or one-quarter of one per cent.; and upon personal property, outside of slaves, it was very small. Upon slaves it was very small; they were taxed according to their age, so much between ten and fifteen, so much between fifteen and twenty, so much between twenty and thirty, and so on up to sixty; they were taxed up to the age of sixty years. My recollection is that the highest tax on any of them was not more than 50 cents. Since the war every species of property is taxed, hogs, sheep, cattle, everything. I believe five hundred dollars' worth of property is exempt; that is all. The State tax is three-fourths of one per cent. The tax in Montgomery County, in which I live—and it is a county that ought not to have a dollar of debt—is three-fourths of one per cent.

Question. For county purposes?

Answer. Yes, sir. They raised in the county, for county purposes, between $90,000 and $100,000; and for State purposes something over $100,000. Before the war I do not suppose the expenses of Montgomery County ever exceeded $30,000; but now $90,000 has been raised for several years. What they do with it I do not know. There have been no public buildings put up, no public improvements going on, except an occasional bridge across a creek. Where it goes I do not know.

Question. Is there accountability enforced upon these persons?

Answer. There is a law of the State requiring the judge of probate there to publish so many times every year the receipts and expenditures of the county, and a statement of how the money has been expended. But I have never seen a single publication of that sort.

By Mr. BECK:

Question. Has any been made, so far as you are advised?

Answer. My impression is that none has ever been made. I never saw anybody who had seen one, and I have made inquiries about it, because I had a great curiosity to know what they did with the money.

By Mr. BLAIR:

Question. Something besides curiosity, had you not?

Answer. I had some interest, but still curiosity had a great deal to do with it.

Question. As to the indebtedness of the State, is it ascertainable; does anybody know what it is?

Answer. No, sir; nobody knows exactly what the State debt is. The debt existing anterior to the war can be ascertained beyond all question, and I reckon is ascertained. As to the debt that has accumulated since the war, I reckon it is very difficult to find out what it is. In the first place, we have issued a large number of notes which pass as money; I do not know how many of them have been put out; it is possible that information can be obtained. How many bonds have been issued I cannot tell; how

many will be issued nobody can tell. I once made an estimate as to what I supposed the liability of the State might be under existing laws, and with the works now in progress, and for which charters have been obtained, and upon which they can commence work before the law ceases to have effect. I made an estimate that it might be forty millions of dollars.

Question. Does the law require that these railroad corporations shall have a certain amount of *bona fide* stock before they can avail themselves of the benefit of the law?

Answer. That has always been my understanding of the law. I think our whole system of chartering corporations is exceedingly defective. It is very difficult to tell exactly what it does mean. It was evidently the object of the law that stock should be subscribed. But they get their charters through and subscribe the stock, and do not pay a dollar of it in. In reference to this Alabama and Chattanooga Railroad, I am informed that not one dollar's worth of stock has ever been paid into that road.

Question. It was built entirely by the State subscription?

Answer. Entirely.

Question. That is, all that has been built of it?

Answer. All that has been built. I was told the other day, by a gentleman, that there was about a hundred miles of the road—well, you may travel over it with a car, but it would not be called a railroad in this country.

By Mr. BECK:

Question. Has there been more stock issued to that company than the law contemplated or allowed?

Answer. I have understood that several hundred thousand dollars' worth of bonds have been issued more than was authorized by law.

By Mr. BLAIR:

Question. That was done by the governor?

Answer. That was done by Governor Smith.

Question. What is his occupation at present?

Answer. I think he has some connection with that road.

Question. He is in the employment of that road?

Answer. Yes, sir; that is my understanding of his business now. His private secretary also is in the employment of that road.

Question. Are any other of the former officers of the State now employed by that road?

Answer. Yes, sir; I heard that the old secretary of state is also in the employment of that road.

Question. There has been a great deal of testimony before this committee in regard to Ku-Klux outrages that are alleged to have occurred in the State of Alabama. I believe you have already answered the question asked you, whether you believed there was such an organization within the State?

Answer. I do not believe there is any such thing as an organization there. Men may occasionally get together and commit depredations, and they would be called Ku-Klux; but that is the extent of the organization, an organization in the locality, and for a special purpose; I am satisfied that is all there is of it.

Question. Were you at the seat of government, in Montgomery, at the time of the contest about the office of governor, and the inauguration of Governor Lindsay?

Answer. Yes, sir; I was there.

Question. Was there any unusual collection of people in the town at that time—anything more than usually occurs on such occasions?

Answer. The legislature was in session, and I think that perhaps the grand lodge of Masons were also there during the time of that excitement; and I am not certain but what there was a Methodist conference, or something of that sort, going on.

Question. It has been stated in the testimony of Mr. Parsons, Governor Parsons, of your State, that there were large bodies of men from different parts of the State collected in Montgomery at the time, and that they were armed.

Answer. That is not so.

Question. That they were in attendance upon the court in which Governor Lindsay brought an action for the executive apartments, and for the books and papers of the executive office; that the court before which he brought this action was crowded with men from distant parts of the State, who were variously armed.

Answer. I was in the court-house during that trial, and did not see a single, solitary weapon there. There was a very good crowd in the court-house; it was a matter in which everybody felt a great deal of interest. The bar was very well filled with lawyers, and the outside of the bar was very well filled by citizens of Montgomery, and by strangers also it might have been. But there was not a very large crowd there; there was no difficulty in getting into the court-house, or out of it. There was no disturbance of any sort, shape, or fashion. And I never saw a weapon during that whole excitement

Question. Who was the judge who presided in the court?

Answer. James Q. Smith.

Question. What was his politics?

Answer. He belonged to the republican party, and obtained his office under the election held upon the constitution.

Question. Do you know that any intimidation was used by the negroes of these Leagues upon the other negroes to prevent them from voting the democratic ticket?

Answer. Negroes have told me that they were afraid to let it be known that they voted the democratic ticket. One negro I recollect in particular, he is a very sensible man, told me that he was a negro and had to associate with the negroes; but that the white people had always been his friends and were now his friends; that they had given him employment, and he was disposed to support them, for he thought they could make laws which would suit him and them better than those who were strangers; that, so far as he was concerned, he wanted to vote the democratic ticket, but he had to conceal his political views, and if he so voted he had to keep his vote a secret, in order to avoid social ostracism; that he was a negro and had to associate with negroes, and that he did not want to lose that association. I have heard of negroes being whipped for voting the democratic ticket.

Question. Did you ever hear of any one being arrested for doing that?

Answer. I do not recollect of hearing of any one being arrested for it. But I recollect distinctly of hearing of a negro being whipped at the last election.

Question. In your county and State elections was there any systematic plan adopted by the Leagues to compel the negroes to vote the republican ticket?

Answer. I stated to you a little while ago that I heard orders were sent out and arguments were used to induce negroes to vote.

Question. Was any plan adopted to ascertain the fact of how they did vote?

Answer. My office is not very far from the court-house; and standing in my office door, I can see everything that goes on there. On the pavement leading to the court-house, and within fifty steps of the gate through which they go to vote, I myself saw a negro stop every negro who came along on the pavement, and take his ticket from his hand. Sometimes he would give it back, and sometimes he would tear it up and hand him another ticket. I recollect distinctly that General Clanton and myself looked at it together. He went over and asked the negro what he was doing, and I think told him that he would not submit to that; that he must go away; that if the negroes wanted to vote the democratic ticket they should do it. The negro left that place, and I do not know where he went to from there. I recollect that circumstance distinctly.

Question. Was there much illegal voting in Montgomery County at the last election?

Answer. That is a mere matter of opinion. I saw a great many negroes vote who it struck me were not competent voters, who were too young. And I understand that a great many negroes from Lowndes County came up there and voted. It is something we cannot prevent as long as the election law remains as it is. The right to challenge I do not think would meet the difficulty. The only way to meet the difficulty is to require registered voters to vote in the precinct in which they live.

Question. Are they privileged now to vote anywhere?

Answer. To vote anywhere they please in the county; and the officers never consult the register to ascertain whether the man who offers to vote has been registered or not. He goes up and offers his vote and they take it. The number of voters in Montgomery County is very large, I think, in proportion to the population.

Question. Larger than it should be?

Answer. Larger than it ought to be, I think.

Question. If there was any fraud committed in that election, it was more likely to have been committed upon the republican side, as they had the control of the election officers, did they not?

Answer. Well, if they allowed it to be committed against them, they are not as smart as I took them to be.

Question. Did they not have the appointment of nearly all the election officers in the State?

Answer. Yes, sir, I think they did.

Question. And the designation of all the places of election?

Answer. Those places are designated by a commissioners' court. They have a court there called the commissioners' court, and the precincts are designated by them, and are very rarely changed. In the county of Montgomery, at the last election, in one place they held the election about three miles from the precinct.

Question. Held the election there?

Answer. Yes, sir, about three miles from the precinct, in which there were about four hundred majority for the republican candidate, and that return was counted.

Question. That was at the last election?

Answer. Yes, sir.

Question. And the vote was counted?

Answer. Yes, sir. I think, though, it was the result of the ignorance of the managers

of the election in holding it there; I do not think they intended any wrong by it; but it certainly was held three miles from the place designated for that precinct, though a protest was made against it.

Question. Is it your opinion that the republicans ever had a majority in the State of Alabama?

Answer. No, sir; I never had the idea that they had a majority there.

Question. Of the white as well as of the black vote?

Answer. Yes, sir; I have no doubt but what the democratic party always had ten thousand majority in Alabama, and have it to-day.

Question. And that majority is particularly large in the northern part of the State?

Answer. Yes, sir. In the city of Mobile the democrats have a considerable majority; in Butler County, and in the southern tier of counties, Dale, Coffee, Covington, Washington, and Henry, the democrats have a majority.

By Mr. BECK:

Question. It has been testified to by several gentlemen here, and I want your opinion on that subject, that a republican cannot safely express his political opinions in the State of Alabama. What is your information and knowledge upon that subject?

Answer. Well, sir, I have heard them express them very often, within less than a hundred yards of where I used to live. I used to hear them very frequently making speeches, night and day, attending their meetings, and carrying them on precisely as they would here. I have never seen them interrupted in the slightest degree, and they never have been interrupted there.

Question. Is it your opinion that any man can make a public canvass in the State of Alabama there and speak there for the republican or democratic side, without any interruption?

Answer. I have no doubt but what he can make speeches from Tennessee to the Gulf of Mexico, and never be interfered with at all, any more than they used to interfere with them in the contests in former times between whigs and democrats.

Question. And they do speak freely, and have spoken freely, in all the canvasses?

Answer Yes, sir.

Question. Do they, from the general tone of their speeches, seem to indicate that they are afraid to give any offense by expressing their political sentiments?

Answer. No, sir, not in the slightest degree. Some of them have made as inflammatory speeches, — so I have heard; I never have heard one of them speak except at a distance; I never went to one of their meetings; — I have heard of them making some very inflammatory speeches, and I have never heard of one being interrupted.

Question. It has been stated here that in the elections of Alabama the democrats used a great deal of intimidation against the colored people, particularly in reference to their votes. What is your information on that subject?

Answer. I am satisfied the statement is incorrect. The white people south have done very little as yet toward trying to influence the colored vote; they did not think the time had come for it. They have been allowed to go and vote just precisely as they pleased.

Question. The senate of your legislature, I believe, was put in at the time the constitution was forced upon you by Congress, and still holds over?

Answer. Yes, sir; and I think contrary to the constitution of the State.

Question. Is it a republican senate?

Answer. All but one; there is one democrat in it.

Question. You have spoken about the negroes not being safe if they voted the democratic ticket. What have you heard upon the subject of promises being made to them, either through the leagues or the agents of the bureau, or men professing to act by authority, to the effect that land or other property would be given to negroes who would stand by and vote for them and the republican party?

Answer. There used to be talk two or three years ago about giving them forty acres of land and a mule; but I believe they have quit that. The negroes have given up the idea now of getting the forty acres of land and the mule.

Question. Was it, according to your information, freely promised?

Answer. Yes, sir; no doubt about that.

Question. They made the negroes believe it?

Answer. Yes, sir; and negroes who used to belong to me have come to me and told me about it, and wanted to know how they could get it; said that they had been told all the time that they were to have it, and they wanted to know how they could get it.

Question. It was not regarded in your State as a myth, as a democratic falsehood, but it was regarded as a promise actually made?

Answer. So the negroes say.

Question. And it was generally believed by the people?

Answer. Yes, sir.

By the CHAIRMAN, (Mr. POLAND:)

Question. You say that your people were very much dissatisfied with the various provisions of your constitution?

Answer. Yes. sir.

Question. And were very much dissatisfied with the manner in which it was imposed upon the State by Congress?

Answer. Yes, sir.

Question. Have your people ever undertaken to resist its enforcement in any way, by any force or violence?

Answer. Not at all.

Question. They have always quietly and properly submitted to it as a constitution?

Answer. Yes, sir.

Question. Awaiting your time to alter it in the proper constitutional way?

Answer. Yes, sir.

Question. Have the provisions of that constitution, or the manner in which it was forced upon the people of the State of Alabama, ever been made a pretext for any violence or unlawful act, by anybody, to your knowledge?

Answer. I think not.

Question. You have spoken of various improper acts of the legislature that was first assembled under your constitution. Have your people ever undertaken to resist the enforcement of those laws by any violence?

Answer. No, sir.

Question. Has the impropriety of those laws ever been made a pretext for any acts of violence whatever by anybody?

Answer. Not that I have ever heard of.

Question. You have spoken about the unsuitableness of various persons appointed to office under that constitution. Have you ever undertaken to resist by force in any way those officials?

Answer. I do not know that I have ever heard of but one officer who had any difficulty I do not know whether that grew out of any political matter.

Question. You do not understand that, if there have been any acts of violence, they are to be attributed to any of these causes?

Answer. No, sir; I do not think they are, because I think the people of the State of Alabama were determined to obey any law or constitution that was upon them.

Question. You have spoken about some railroad legislation that you think was improperly and corruptly procured from the legislature. In the first place, let me ask you if those acts of the legislature were in any sense made a political question in the legislature; was there a political division upon that subject?

Answer. There was very little opportunity to have any political division on that.

Question. It was a largely republican legislature?

Answer. Yes, sir.

Question. Did not the democrats who were in the legislature, what few of them there were, vote for those acts?

Answer. I am not able to speak upon that subject.

Question. Have you ever examined in order to find out?

Answer. I have not examined.

Question. Do you understand that those railroad acts were passed——

Answer. My impression is that the democratic senator voted for them.

Question. Did you understand that they were in any sense opposed as political measures, or that there was any political division upon them?

Answer. No, sir; I have not heard that there was.

Question. Do you understand that that railroad legislation has ever been made the pretext for any unlawful acts by anybody?

Answer. No, sir.

Question. Then all these things about which you have been examined have not furnished any foundation for any violations of law upon the part of anybody, so far as you know?

Answer. Not that I have ever heard of.

Question. You do not believe that they have?

Answer. No, sir; I do not.

Question. This examination so far has been quite aside from the duty that was imposed upon this committee. We are required to ascertain, as well as we can, what is the present condition of your State; whether the laws are enforced, and whether, if crime is committed, it is properly punished; also what is the condition of the community there as to its peace and order. Have you heard of any acts of violence having been committed within your State during the last year or two—any persons having been killed?

Answer. I have heard of persons being killed.

Question. Have you heard of persons being killed by bands of disguised men?

Answer. Only what I have seen in the newspapers.

Question. Have you had such information upon that subject as to satisfy you that such has been the case?

Answer. I saw an account of a man being killed in Greene County, I think it was; the solicitor up there.

Question. Mr. Boyd?

Answer. Yes, sir.

Question. Did you understand that he was killed by a party of disguised men?

Answer. Yes, sir; that was the newspaper account of it.

Question. Well, you supposed that to be true?

Answer. I supposed it was.

Question. Is that the only instance of the kind you have heard of in the State?

Answer. I cannot call to mind any other now; I do not recollect any other.

Question. Is it not your opinion that there have been more persons killed in the same way by bands of disguised men?

Answer. I think I heard that some persons were killed up in the neighborhood of Paytona; but I do not recollect whether it was by persons in disguise or not.

Question. Has it not been a matter of public notoriety in your State for the last year or two, that in all parts of the State, at various times, bands of disguised men have been riding abroad at night; has there been any such thing as that?

Answer. I do not think I have heard of it in all parts of the State. I have seen in the newspapers that in certain portions of North Alabama things of that sort have occurred.

Question. Have you not heard of these bands appearing in a great many of your counties?

Answer. No, sir; I never heard of their appearing in many parts of the State.

Question. Can you tell now the number of counties where you have heard of such occurrences?

Answer. I heard of this instance in Greene County, and I heard of that case over in the neighborhood of Paytona, I think it was; whether they were disguised or not I do not recollect.

Question. Do you mean to say it has not been well understood through the public press, and in every way that would give the public general information, that bands of disguised men have appeared in various sections of your State, and in a great many places?

Answer. I have an indistinct recollection that I have seen in newspapers that men of this sort have appeared in certain places in North Alabama; but I do not think I have ever heard of any in what we call South Alabama; if I have, I do not recollect it.

Question. Has there been any talk about such an institution as the Ku-Klux?

Answer. There has been talk about the institution of Ku-Klux for the last two or three years; but there has been so much talk about them, and nobody could ever fix them or spot them, that it got to make the same impression upon my mind that the old cry of wolf did in the fable.

Question. So much was said you did not believe any of it?

Answer. Yes, sir; there was no result.

Question. You heard of persons being killed?

Answer. I heard of Boyd, and of the case over there in Paytona; those were all the cases.

Question. Have you heard of men being taken out of their houses by these bands of disguised men and whipped?

Answer. I have heard of men being whipped occasionally.

Question. Have you not heard of their being whipped by disguised men?

Answer. I do not know that I have.

Question. You never heard of it?

Answer. I have heard of men being whipped, but I do not recollect whether it was by disguised men.

Question. Do you mean to say that you have not heard of men, and of a great many men, especially colored men, being taken out and whipped by disguised men. Has not that been current in the newspapers?

Answer. There may have been an occasional report of that sort, but I do not think they have been very numerous.

Question. Well, do you believe, from all you have read and heard about it, that there have been, in parts of your State, bands of men who went about at night in disguise?

Answer. I believe this—that men have joined themselves together for the purpose of doing some special piece of violence in some particular parts of the State; I have no doubt but what that thing has occurred.

Question. Do you not think there have been a great many instances of that sort?

Answer. Well, sir, I cannot say about that.

Question. I am not asking about a general concerted action throughout the State.

Answer. I have heard of things of that sort in various parts of the State; more particularly in North Alabama than anywhere else.

Question. Is that rather a modern thing in your State, or have you always had such things?

Answer. No, sir; I do not think that in old times, when negroes were sometimes whipped by people who were not authorized to whip them ——

Question. Did you ever hear of its being done by men in such large numbers, and in disguise?

Answer. No, sir; I never heard of anything of that sort being done by men in disguise before the war.

Question. How do you account for its appearance and its connection within the last two or three years?

Answer. I account for it in this way: bad men got into particular localities, and the law was not adequate to get rid of them, and men chose to take the laws into their own hands.

Question. What class of persons have been the objects of violence by these bands, either killings or whippings; what classes of men have those acts been committed upon?

Answer. I have heard of some negroes being whipped; I think I have heard of some white men, though I do not have any distinct recollection of them.

Question. Have those acts generally been confined to men of one particular party, whether white or colored?

Answer. My recollection is that the newspapers generally say that they are republicans.

Question. So far as you have heard about these acts, do they not seem to be devoted entirely to members of the republican party?

Answer. I think I have heard of some democrats being treated in the same way.

Question. Who?

Answer. I do not recollect any of their names.

Question. Do you feel pretty confident of that?

Answer. Yes, sir; I feel pretty confident that some democrats have been treated in the same way.

Question. Give us an instance of that sort.

Answer. I cannot give you an instance, for it is an indistinct recollection.

Question. Are you pretty confident in that belief?

Answer. Yes, sir; I am pretty confident in the belief that I have heard of things of that sort; and I am pretty confident in the belief that I have heard of negroes being taken out and whipped by negroes.

Question. We would be glad to have you state some instances where a democrat has been served in that way.

Answer. If I could recollect it, I would tell it with a great deal of pleasure.

Question. I have no doubt of that.

Answer. But I do not recollect the name of any of them.

Question. You do not think that has been as common as the other?

Answer. No, sir; I hardly think it has.

Question. You know nothing about the existence of any such organization?

Answer. Not a thing; no more than you do.

Question. Do you belong to any political organization yourself, other than being a member of the democratic party? I suppose you do belong to the democratic party?

Answer. I am a democrat.

Question. Do you belong to any inside association of the democratic party?

Answer. No, sir; not of any sort, shape, or fashion. I never belonged to any secret society in my life, except a college society at Princeton.

Question. Do you know of any such society?

Answer. No, sir. I mean by that that I do not belong to any club that is not as public as the party itself.

Question. Do you belong to any club or society?

Answer. No society; but at every election we met together as a party to organize.

Question. As a caucus, &c.?

Answer. Yes, sir; everything is public.

Question. And you do not belong to any society having a constitution and officers, or anything of that sort?

Answer. Just the sort of societies to which I referred just now. For instance, there are different wards in the city, and there will be a ward club, and there may be a president and secretary of the club; but they are clubs simply for the purpose of providing for political meetings.

Question. Is there such a thing as membership to it?

Answer. Yes, sir.

Question. Is there any constitution about it?

Answer. No constitution.

Question. Is there some way of distinguishing membership?

Answer. No, sir.

Question. You do not have such a thing as membership?

Answer. No, sir; nothing at all of that sort.

Question. Merely ward meetings?

Answer. That is all; nothing else.

Question. Or a democratic caucus?

Answer. Yes, sir; that is all.

Question. Well, we have as bad as that in my town. Have you ever heard of anybody being arrested, prosecuted, and punished for any of these marauding offenses?

Answer. I have heard of several men being brought down to Montgomery, and being tried before the United States commissioner there for alleged offenses of that sort.

Question. Where from?

Answer. My recollection is that, perhaps, some came from Coosa County, or Elmore County—I do not recollect which.

Question. How many cases of that sort do you know of in the United States court, do you think?

Answer. I think I heard there was one indictment in the United States court of that sort against a party, found at the last term of the court.

Question. Do you know where the offense was committed?

Answer. Either in Elmore or Coosa County, or, perhaps, Tallapoosa—I do not recollect which county—but one of those three counties.

Question. Can you give us any idea of the number of cases you have known of arrests, where there have been hearings before the United States commissioner, of such offenses?

Answer. I have heard of two or three cases brought before the United States commissioner during the last two or three months, and I have understood also that they were all discharged.

Question. Have you known of any conviction of anybody for this class of offenses.

Answer. No, sir; there never has been in my county?

Question. How do you account for the fact that all, or at least a very large proportion of this kind of offenses, have been against members of the republican party?

Answer. I suppose they made themselves very obnoxious as individuals by some acts.

Question. You think it is because they had bad people in that party?

Answer. Well, I do not know; those men happened to be bad, or they might not have been bad, I cannot tell anything about that; I suppose the people who committed the violence upon them supposed them to be so.

Question. That is, they are bad people cleaning out bad people?

Answer. Yes; I think it very likely it was mixed up a great deal in that way.

Question. You do not suppose that the people who band together to do these things are of the first order of your population?

Answer. I do not think that is at all the best evidence of their being so.

Question. So far as you know, according to your judgment and belief, are they republicans?

Answer. The people who commit this violence?

Question. Yes, the people who band themselves together in this way?

Answer. I have heard of one or two instances where they were.

Question. Is it so generally?

Answer. No; I do not think they are generally republicans, nor do I know that they are democrats.

Question. According to your idea, they devote themselves to the evil men in the republican party?

Answer. To the men they suppose to be evil men.

Question. A word or two now about your election laws. Your law requires that every man shall be registered in order to be entitled to vote?

Answer. Yes, sir.

Question. Does every man, when he registers, have to take an oath, in which he swears to his legal qualifications as a voter?

Answer. Yes, sir; I think that is the law.

Question. He has to swear to certain facts in reference to his age, residence, &c., which, if true, make him a legal voter?

Answer. Yes, sir.

Question. Is he liable under your law to be punished for perjury if he swears falsely in taking that oath?

Answer. Yes, sir; I presume he is.

Question. Is it the same punishment that is prescribed for perjury in other cases?

Answer. The punishment is fixed by law; I do not recollect what it is, but I think it is made a felony.

Question. You do not make any complaint but what the punishment provided by the law is adequate?

Answer. I do not know anything about that.

Question. If a man registers illegally—takes a false oath in doing so—he is liable to indictment for perjury?

Answer. Yes, sir.

Question. You say there is nothing in the law to prevent a man from voting forty times?

Answer. I do not think there is. There was a law in the code to punish illegal voting, but that was repealed by the general election law of 1868; that law repealed all election laws in existence prior to that time.

Question. Did that law repeal your penal code?

Answer. My recollection is, that the punishment for illegal voting was in the code under the head of general election laws.

Question. Have you examined that; are you sure about that?

Answer. I think I did look at it once; I have not done so very recently, but that is my recollection of it.

Question. Do you mean to say that there is now no law in your State that will punish a man for voting twice at the same election?

Answer. That is the conclusion to which the bar have come upon that subject. The lawyers at Selma examined that matter; I think we had a list of the names of fifty or sixty illegal voters that were taken down there with the object of having them indicted.

Question. If you ever get that case in court, I think you will find your lawyers very much mistaken.

Answer. May be so; but that is their opinion now.

Question. You say that a man is liable to be indicted for challenging any man who offers to vote?

Answer. Yes, sir.

Question. Is it your judgment as a lawyer, that if a man should challenge another who really was not entitled to vote, if that other man had, by taking a false oath, procured himself to be registered, do you believe that when he offered to vote, if a man should object to his voting, should challenge his vote, that man who thus challenges would be liable to punishment?

Answer. Well, sir, as that law stands upon the statute-book, I should dislike very much to risk it; it is a very singular law.

Question. Do you believe that if a man who is entitled to vote, a legal voter, properly registered, and one who has voted once at an election, should offer to vote again at the same election, and a man should object to his voting because he had already voted once, do you believe that man would be liable to indictment for challenging him?

Answer. I should object very much to risking it myself.

Question. I ask your opinion as a lawyer, if that is the law in Alabama.

Answer. My opinion upon it is that the construction of the law is exceedingly doubtful. The best opinion to which I can come upon reading that law is that he would be liable to indictment.

Question. For objecting to a man's voting the second time at the same election?

Answer. Yes, sir; I think the object of the law was to prevent any challenging at all, and that has been the way in which it has been observed in the State of Alabama.

By Mr. BLAIR:

Question. And it was intended to facilitate fraud?

By the CHAIRMAN, (Mr. POLAND:)

Question. The whole thing has arisen out of the misconstruction of your law. Here are your acts of 1868; will you now turn to that portion of the act which you say repealed your old election law?

Answer. Section 34 of the act of 1868 provides:

"That there shall be no challenging of electors offering to vote at any election hereafter held in this State, and any registered voter offering to vote at any election in this State shall be allowed to do so without question, challenge, or objection by any person; and any person who questions, challenges, or objects, or who unlawfully hinders or delays any person offering to vote, shall be guilty of a misdemeanor, and on conviction shall be fined five hundred dollars, and on failure to pay the same shall be imprisoned in the county jail for six months."

Question. Do you not think it would be necessary, in order to make a valid indictment under that statute, to allege that the person who was challenged was a qualified voter?

Answer. It says: "There shall be no challenging of electors offering to vote at any election hereafter held in this State, and any registered voter offering to vote at any election in this State shall be allowed to do so without question, challenge, or objection by any person." According to my construction of this law, it prohibits any challenge at elections at all, that is, of any man who offers to vote, for it provides, "Any person who questions, challenges, or objects, or who unlawfully hinders or delays any person offering to vote, shall be guilty of a misdemeanor." In that part of the section it is not confined to registered electors, or anything of the sort, but to "any person."

Question. Do you not believe that in order to make a good indictment under that statute it would be necessary to allege that the person challenged was a person qualified by law to be an elector?

Answer. No, sir; I am not prepared to say that that is my construction of the law. I should be very much afraid to risk it with our courts.

Question. I am going upon the theory that you have courts that will administer the law as it is, and give correct and reasonable expositions of your statutes.

Answer. It is possible that if the law could be administered in its real spirit your construction of it might possibly be correct. But that is not the construction which has been placed upon it in the State, and I do not believe that is the construction which would be placed upon it in the courts.

Question. And the opinion of the profession in your State is that that act has repealed all the penal provisions in your code in regard to double voting, illegal voting, at your elections, &c.?

Answer. Yes, sir; I think you will find the section to which you refer in the general election law of the State, and not in the penal code. You will find no prohibition in the penal code, properly speaking, of illegal voting. That offense is under the election law of the State, and we understand that whole article to be repealed by the law of 1868.

Question. There is a section repealing the provisions of the election laws, but I think it is very clear that it repeals only the provisions about carrying on elections, not the penal part.

Answer. We understand it to repeal all previous laws.

By Mr. BLAIR:

Question. Have there been any prosecutions for fraudulent voting or for challenging of voters?

Answer. I am not certain; I have the impression in my mind, but I do not know that it is sufficiently an impression to be of any weight, that there was an indictment in Selma for illegal voting, and that the party was acquitted upon that statute. It is possible it might have been that they merely intended to do it, and upon an examination of the law they found it would be useless to attempt it. I am not prepared to say which of those things are true. But I know that in Selma a considerable number of names were taken down with that object; Judge Bird, formerly upon the supreme bench of the State, told me of it, and said that he, with many others in Selma, had examined the law, and had come to the conclusion that an indictment would not lie; and a number of lawyers in Montgomery had examined it also, and that is the conclusion to which they came.

By the CHAIRMAN, (Mr. POLAND:)

Question. The house of your legislature is democratic?

Answer. Yes, sir.

Question. Has that legislature held a session?

Answer. Yes, sir.

Question. Have they undertaken to remedy the difficulty in your election law?

Answer. I do not know whether any bill was introduced or not. I know that there was a discussion as to whether it would be of any use to occupy the time of the legislature by presenting a bill of this sort, and they came to the conclusion that it would be useless, for the senate was largely republican and would not repeal the law.

Question. Would it not have been a pretty good piece of political strategy for any man to introduce such a bill?

Answer. It might have been, but they did not do it.

Question. Because the senate would not pass it?

Answer. The house itself did not pass any bill. I do not think they introduced a bill at all: they thought they had better wait until they could get a democratic senate, and then they could alter the law.

Question. If the law is as loose as you think it is, the other side could have the same advantage under it, if they were wicked enough to take it?

Answer. They possibly might do it, if they had possession of the election precincts and boxes.

Question. How does that make any difference? If every man, by your law, is entitled to vote as many times as he pleases, and nobody can object to it, how does that make any difference?

Answer. Illegal voting is chiefly confined to negroes. I do not know of any white people who attempted to vote illegally in Alabama.

Question. Do you know any negro who attempted to vote more than once at an election?

Answer. I cannot say that I know them, but I have heard of them.

Question. If the law is so loose as to allow a colored man to vote twice at the same election, without any punishment, it would equally allow a white man to vote twice if he made the same attempt?

By Mr. POOL:

Question. Is there not a special punishment, beyond the usual punishment for perjury, provided for the case of a man who registers illegally?

Answer. I really do not recollect what the punishment fixed by the statute is; I think, though, the punishment is fixed by the statute.

Question. Is it not a penitentiary offense?

Answer. Yes, sir; perjury is usually a penitentiary offense; it is made a felony, and all felonies are punished by imprisonment in the penitentiary, or, if a murder, by hanging.

Question. Can a man be an elector in Alabama until he registers?

Answer. Not legally.

Question. The electors, then, are the registered voters?

Answer. Yes, sir; properly speaking they are all registered.

Question. Your law says, "There shall be no challenging of electors?"

Answer. It says that in one part.

Question. I will come to the other part presently. It is the "challenging of electors" which is made indictable by that law?

Answer. Yes, sir, one part says so.

Question. Would it be unlawful to challenge a man who is not an elector?

Answer. I think it would, upon my construction of that statute.

Question. What is that second part you spoke of that made it indictable to challenge a man who is not an elector; what is the wording of it?

Answer. It is as follows: "And any person who questions, challenges, or objects, or who unlawfully hinders or delays." The first part is, "And any person who questions, challenges, or objects * * * * * any person offering to vote shall be guilty of a misdemeanor." It is true it also says, "Who unlawfully hinders or delays any person offering to vote," but the word "unlawfully" applies only to "hinders or delays," and does not apply to the other portion of the sentence. An indictment might be framed on each clause of that section, according to my idea; one would be for challenging or objecting, and the other would be for unlawfully hindering or delaying.

Question. You do not think the connection between that and the "electors," and "registered voter," in the part of the sentence immediately preceding, would have anything to do with the construction of the statute?

Answer. No, sir, I do not think it would.

Question. Is it not the rule in construing criminal statutes, first to construe them strictly, and secondly in favor of the defendant?

Answer. Yes, sir.

Question. And you do not think the first part of that second clause would relate back to the preceding part of the section?

Answer. No, sir. I think they are distinct and different offenses in the section, and the language of the section applies to them in their different parts; I do not think the word "unlawfully" applies at all to "any person."

Question. If there is any doubt in the wording of a criminal statute as to what it means, do not your courts say that they are obliged to construe that doubt for the benefit of the defendant?

Answer. If there is any real doubt, of course they would always construe the law in favor of life and liberty; there is no doubt about that; that is the first rule of law.

Question. Is there not a real doubt about your construction of this statute?

Answer. That would depend entirely upon how it struck different minds; what might be a doubt in my mind might not be a doubt in the mind of somebody else. In defending a party, I might come to the conclusion that there was a very great doubt, and might argue it before the judge in that way; whereas the judge, not being interested in the matter, might take a very different view of it.

Question. Are you not satisfied that the law was not intended to be so applied?

Answer. I am inclined to think it was intended to be exactly as it reads.

Question. You have some doubt about it yourself?

Answer. I have not very much doubt about it.

Question. Do you believe that any sensible lawyer would doubt as to the correctness of the construction which you place upon that statute?

Answer. I have seen a great many who did not have any doubt about it, and who came to precisely that conclusion, and some very good lawyers, too.

By Mr. BECK:

Question. The practical effect is that men dare not challenge any one offering to vote in Alabama?

Answer. There is no doubt about that in the world; that is the practical effect of it.

By the CHAIRMAN, (Mr. POLAND:)

Question. I suppose republicans would be equally afraid to challenge democrats?

Answer. Yes, sir.

By Mr. BECK:

Question. But up to this time the majority of those who control the elections have been republicans?

Answer. Yes, sir.

By the CHAIRMAN, (Mr. POLAND:)

Question. What would that have to do with it?

Answer. No man can object to a voter, but the judges themselves may refuse to allow him to vote, if he has voted in three or four precincts before.

By Mr. POOL:

Question. Is not the challenge of a judge of election as criminal as the challenge of anybody else? Can you account for this fact, that your people are so much afraid of this law, which creates merely a misdemeanor, and they violate a much more important law against going in disguise; is there not a very stringent law against persons going about in disguise?

Answer. Very stringent, indeed.

Question. Can you account for the fact that they are so much more afraid of a misdemeanor in the one case than they are of the penalty in the other?

Answer. I cannot tell; they may trust to their disguises to prevent their being found out; I most assuredly would not take the risk in any case.

Question. You do not pretend to say that the people of Alabama are much more law-abiding than the people in other parts of the country?

Answer. I suppose they are about the same as in other parts of the United States. I do not think much more difference would be found if the statistics could be got at.

By Mr. COBURN:

Question. Speaking of the beginning of distrust between the two races in Alabama, you say it commenced after the organization of the Freedmen's Bureau there, did you not?

Answer. Yes, sir.

Question. Were the negroes and whites in perfect accord and harmony before the organization of the Freedmen's Bureau?

Answer. I think they were; I never heard of any trouble between them.

Question. Did they agree politically before that?

Answer. I do not speak politically at all.

Question. Well, I want to know about that.

Answer. I do not think the negroes had any politics until the Freedmen's Bureau was established there.

Question. Do you think the negroes would have acted with the democratic party, if the Freedmen's Bureau had not been established there?

Answer. I think they would have acted with whatever party the whites acted with; my own idea is that as many of the whites in 1865 would have acted with the republican party as with the democratic party.

Question. Do you mean to say that the establishment of the Freedmen's Bureau made white people turn democrats?

Answer. It had a tendency to drive them off from the republican party, and for the reason that the Freedmen's Bureau was supposed to be one of the means of that party for the purpose of creating distrust between the negroes and the white people.

Question. Do you believe that?

Answer. I do.

Question. Do you believe the majority of the white people in Alabama after the war intended to act with the republican party?

Answer. I believe they would have acted with whichever party would have given them the most peace and quiet.

Question. Do you suppose they believed the republican party, that had been fighting them during the war, would do that?

Answer. That they would have ascertained by experience.

Question. You spoke about the constitution of the Loyal League; when did you see that?

Answer. I think I saw it during the last canvass.

Question. Did you have it in your possession?

Answer. I read it.

Question. How long did you have it in your possession?

Answer. Just long enough to read it?

Question. How long was that?

Answer. A short time.

Question. Was it a day, or a half a day, or an hour, or half an hour?

Answer. Not over an hour.

Question. Where was it?

Answer. In my office.

Question. In Montgomery?

Answer. Yes, sir.

Question. You spoke of the oath and certain terrible punishments that were stated in it, if a member voted against the republican party; did I understand you to say that?

Answer. I do not think I said anything about terrible punishments.

Question. What was it you said?

Answer. I think I said they were required by that oath to vote for the candidates nominated by the league; and that I had heard that it was told to these negroes if they did not do that, something terrible would happen to them. I did not say that anything of that sort was in the book I read.

Question. In relation to your laws in connection with the collection of debts, you said that if a man was worth a million of dollars you could not collect a dollar from him. Is it possible that your laws are so arranged that you cannot collect debts in Alabama from men who have plenty of property?

Answer. I did not say that in reference to men who had plenty of property.

Question. You said a man might be worth a million of dollars, and you could not collect a dollar from him.

Answer. I said that if he had it in money in his pocket, unless the law passed at the last session of the legislature remedied that evil, there was no law by which you could get it out of his pocket.

Question. You did not apply it to any other case?

Answer. No, sir; if there is any visible property that the sheriff or the officers of the law can get at, you can collect your money. I know a case precisely in point, where there is a judgment against a man for fifteen or sixteen thousand dollars; he disposed of all his visible property for the purpose of avoiding the payment of that debt. I presume the man is worth to-day one hundred thousand dollars.

Question. Is not that the case in many States?

Answer. In most of the States, and it was so in our State, if an affidavit of the proper kind was issued, a *ca. sa.* could be issued, and you could take his body, and make him exhibit his property.

Question. You spoke of the unjust provisions in relation to taxation. What are your provisions in regard to the system of taxation?

Answer. I do not know that I spoke of any unjust system of taxation. I only spoke as to the difference between the amount of taxation now and what we used to pay.

Question. In what is it unjust and unequal and improper.

Answer. I think the taxes are too high.

Question. That is it?

Answer. Yes, sir.

Question. You spoke of taxing various kinds of personal property not formerly taxed; is it improper and unjust to tax those articles of property now?

Answer. No, sir, I do not think it is; I do not object to that at all; I only speak of the amount of taxation.

Question. You confine your distinction to the amount of taxation?

Answer. To the amount of it, and the use made of it after it is collected.

Question. You spoke of a law requiring the judge to make publication of the expenditures, and you said that you never had seen any such publication. Do you know positively whether such publications are or are not made?

Answer. I do not think they are.

Question. Have you examined the papers of the various counties in Alabama with reference to that?

Answer. I only spoke in reference to my own county.

Question. Have you examined all the papers in reference to your own county?

Answer. I have been a pretty careful reader of the papers in my own county.

Question. Are you willing to swear that no such publication has been made in your county?

Answer. I am willing to swear that I have not seen it, and that I do not believe it has been made.

Question. Has the judge been proceeded against for that?

Answer. I do not know that he has.

Question. You stated that there were State notes in circulation as money; how many dollars does that circulation amount to?

Answer. I said, in reference to the question of State debt, that there was a large number of those notes issued. No objection was made to their issuance that I know.

Question. What is their denomination and description?

Answer. They are of different denominations.

Question. How small?

Answer. I think they are as low as one dollar, and from that up to a hundred dollars; there may be some larger.

Question. Is that circulation at par or at a discount in the neighborhood of Montgomery?

Answer. There and in the surrounding country there, it passes as well as any other money; off at a distance it does not pass so well.

Question. You spoke of one hundred miles of railroad being made; what railroad is that?

Answer. I said that I had understood that about one hundred miles of the Chatta-

nooga and Alabama Railroad was a mere temporary affair, and would not in this country be considered a railroad at all.

Question. Did you ever see it?

Answer. No, sir.

Question. All you know is from hearsay and rumor?

Answer. I have no doubt it is so.

Question. Have you ever seen Governor Lindsay's testimony about that?

Answer. I do not recollect that I have. I talked with Mr. Pollard about it, who is the president of a railroad in that country.

Question. You spoke about temporary organizations for special purposes of these Ku-Klux; how do these temporary organizations act, as far as you know?

Answer. I only gave my opinion, not that I knew anything about it; that my opinion was that they were organized for a special purpose, to carry out some special scheme of the men who made the organization.

Question. How many negroes in Alabama were in favor of voting the democratic ticket; and how many were whipped for doing so?

Answer. I cannot say how many wanted to do it; I heard of one being whipped; I do not know that I heard of any other.

Question. Do you know of any number of negroes who were compelled to vote the republican ticket in Alabama?

Answer. I do not.

Question. You say that at elections the election officers never consulted the registers, but just allow everybody to vote; how do you know that?

Answer. I have seen people vote there and keep on voting, and I never saw anybody look at a register.

Question. Do you mean to apply that to the whole State of Alabama?

Answer. Only to my own personal observation.

Question. How extensive is that?

Answer. I do not know how extensive it is.

Question. How many places of election, and how many elections have you attended?

Answer. All the elections in Montgomery County.

Question. How many voting places in Montgomery County?

Answer. Fourteen at least, and I reckon twenty.

Question. Did you ever attend more than your own place of voting?

Answer. I have noticed several precincts in Montgomery; there are several precincts in the city.

Question. You said an election was held there away from the precinct; what did you mean by that?

Answer. The commissioners' court designated the spot where the election is to be held in each precinct; some man's house, if there is no public place. I said that in this case the election was really held three miles away from the place which the commissioners' court had fixed.

Question. What election was that, and where was it, in what township, or what city?

Answer. The election was held, as I am informed, at what is known as Evans's precinct.

Question. In what county?

Answer. In Montgomery County; Mr. Evans lived about three miles from a place known as Carter's Hill; I am informed that election was not held at Evans's, but at Carter's Hill.

Question. Did the regular election officers attend at that place?

Answer. Yes, sir; and I have already said that I did not think they intended to do any wrong.

Question. Was that election contested?

Answer. Objection was made to the vote being counted.

Question. In what respect was that election illegal?

Answer. From the fact that it was not held at the place designated.

Question. In that respect alone?

Answer. In that alone.

Question. You say that the democrats have a considerable majority in Alabama; how do you know that?

Answer. I said that was my opinion.

Question. It is mere opinion?

Answer. It is my opinion from my general knowledge of the State.

Question. Are there more whites than negroes in Alabama?

Answer. Yes, sir.

Question. How many more?

Answer. My recollection is that the registration shows there are about fifteen or sixteen thousand more.

Question. Do you draw the party line between the whites and negroes?

Answer. There are some white people belonging to the republican party.

Question. About how many?

Answer. I have said that I thought about five thousand would cover all.

Question. Do you know personally whether a republican can make a speech in all the counties of Alabama?

Answer. No, sir; I cannot say personally, because I have not been in all the counties.

Question. Do you not know it to be the fact that in certain counties in Alabama, or in certain districts or precincts, not one colored man voted?

Answer. No, sir; I do not know that.

Question. Do you not know that is the fact down in the southwestern part of Alabama?

Answer. No, sir, I do not.

Question. Do you not know that there are thousands of negroes in the State who have never voted?

Answer. If it is so, I never heard of it.

Question. In how many counties, of which you profess to have knowledge, do you know that republicans can make speeches freely?

Answer. I did not say they make speeches; but I have seen accounts of their making speeches in Barbour, Bullock, Montgomery, Macon, Elmore, Coosa, Lowndes, Dallas, and Pike, and I have heard of their making them in various other counties; I cannot recollect them all.

Question. Do you not know that they have been interrupted in many places?

Answer. I do not know that I have heard of any interruption, except in Greene County.

Question. Did you ever hear a republican make a speech?

Answer. I have been near enough to hear their voices, but not to distinguish what they said.

Question. Did you ever inquire particularly into the fact whether republicans could make speeches in those counties or not?

Answer. I have made no particular inquiry, except that I have seen synopses of speeches which they were said to have made; and in my own county I have heard them make the speeches.

Question. You said something about promises having been made to negroes, of forty acres of land and a mule; were those promises made by republicans?

Answer. That was the general understanding.

Question. Did you ever hear any such promises made?

Answer. I have never heard republicans say anything about it.

Question. Do your democrats always tell the truth when they are electioneering?

Answer. I think it very doubtful if all of them do.

Question. Do you think that anybody is ever deceived by their stories?

Answer. I think it very likely that some are.

By the CHAIRMAN, (Mr. POLAND:)

Question. One question about making republican speeches; you think persons can make republican speeches anywhere in your State without being disturbed?

Answer. I think they can.

Question. Do you think that in any county in Alabama, a northern man, if he should go down there, a carpet-bagger, as you call him, could make a speech, and insist upon the perfect equality of right between the negroes and the whites, and insist that the negro had every constitutional and legal and civil right that the white man had, and had the right to assert it; do you think he could make a speech of that sort in any place in Alabama without being disturbed?

Answer. I am under the impression that a man could make any speech of that sort; somebody might halloo out, as they used to do in old whig and democratic times, but there would be no violence.

Question. They would not shoot pistols at him?

Answer. I do not think they would; that is my opinion.

WASHINGTON, D. C., *July* 6, 1871.

EDMUND W. PETTUS sworn and examined.

The CHAIRMAN, (Mr. POLAND.) As this witness has been summoned by the minority of the committee, he will be first examined by some member of the minority.

By Mr. BLAIR:

Question. Where do you live?

Answer. I reside in Selma, in the State of Alabama.

Question. How long have you resided in the State of Alabama?

Answer. I was born in Alabama, and have lived there ever since. I am now fifty years old.

Question. What public positions have you held in the State?

Answer. I was solicitor of the seventh circuit for ten or twelve years, and I was a judge of the same circuit for four years. Those are the only civil positions I ever held.

Question. That was before the war?

Answer. Yes, sir.

Question. State the general condition of affairs at this time in regard to the security of life and property in the State, especially in the region with which you are most familiar, and the manner in which the law is enforced.

Answer. At this time I believe the law is reasonably well enforced in the State of Alabama, and that life and property are as safe there as they have ever been at any time within my knowledge.

Question. Do you know of any secret organization in the State, political or otherwise, whose purpose or practice is to violate the law, and uphold each other in the violation of the law?

Answer. I have never known of any such organization myself. Do you desire I should speak of what I know, or of what I have heard?

Question. Give us any information that you have upon which you place reliance. You can speak not only from your own knowledge, but from information upon which you rely.

Answer. There have been disorders of a very serious character in Alabama. After the war the floating bad population of both armies to some extent was there, and there were great disorders; and I have no doubt, from information, that there were parties combined together to commit disorders. But, so far as I know or am informed, I think they were local organizations, for local purposes, and very bad purposes. There is also, as I am informed, (and I have no doubt of it from information,) a political organization of the colored people which is also to some extent engaged in the same sort of purposes. I think, however, in its original formation it was designed for merely political objects and has been perverted by bad men to the same bad purposes.

Question. Have any of these disturbances occurred in your immediate neighborhood or in the section of country in which you practice?

Answer. No, sir. I live near the center of the State; and so far as I know there have been no violations of law by combinations except in two instances, and I think that they were the result of immediate excitement; that they did not probably originate from any preconcerted plan except an arrangement to act on the spur of the occasion—a combination to meet the emergency when it arose. There were two such occurrences in my immediate vicinity.

Question. What were those?

Answer. The negroes had been very much exasperated by the killing of a negro policeman in Selma by a man named Wright, and also by the killing of a man named Frank Diggs on the Meridian train—a private assassination. This man Diggs was a black man who had something to do with the mail; I do not now remember his connection with it. He was a popular man with the white people, and also with the negroes; he was a well-behaved man and a man of good character. These occurrences had produced very great excitement among the negroes in the neighborhood where I live, and they manifested a hostility toward any one who should in any way commit any wrong toward any one of their race. In other words, they were combined for the purpose of retaliation. In that state of feeling a young man named Baxley and a colored man named Alfred Granger, two journeymen brick-masons, quarreled and fought on the streets in Selma—those two alone. The colored man was killed. Baxley was arrested by the officers of the law and taken in the direction of the calaboose. Just before they got to the calaboose the negroes in large numbers (I suppose there were some four or five hundred when they first seized him) took him away from the officers, beat him over the head, dragged him up and down the public streets by the heels and cut his throat, and stabbed him in several places. The officers of the law did their best, so far as I saw, to prevent it, without force; but in a mob of that kind the ordinary police force is of no effect. We finally gathered an armed force, and went there. I had charge of it myself. When they saw us coming, they drew off a short distance, ready for a fight as it appeared; but we were merely intending to protect this man's life if we could. There was a great deal of cursing and insult, just such as a mob would heap on a party of men coming, as they considered, in hostility to them. But there was no bloodshed. We got between them and the house where they had finally carried this young man.

Question. You rescued the young man from them?

Answer. I cannot say that, because before we got to the spot the violence had ceased, and the young man had been left for dead. He was not dead, however, and ultimately, after being confined in jail for several months, he recovered.

Question. Was anything done to punish the rioters?

Answer. Yes, sir; some of them were arrested, and I think two of them have been convicted—two or three, I do not recollect which.

Question. What was the other case of violence?

Answer. Well, there are numbers of cases of individual acts of violence; I was only speaking of combinations; you asked as to persons combined together to violate the law. The other case was one in my own county. I know nothing of it, however, personally. My knowledge is obtained from direct information from the parties who saw it, and from the proceedings in court.

Question. You have information upon which you rely?

Answer. Yes, sir; I have no doubt about the correctness of the information. That was a case, as I understand, where a white man of somewhat trifling character, for some reason that I do not know, whipped a negro boy—caught him and whipped with a switch. It created a mob. The negroes assembled from the adjoining plantations, took the white man down to the woods, tied him, gave him three or four hundred lashes with hickories and turned him loose. Those are the only two instances in my immediate section in which I have known or heard of violence being committed by combinations. But there have been numerous acts of individual wrong there.

Question. Both by whites and blacks?

Answer. Yes, sir; by both.

Question. By whites upon blacks, and by blacks upon whites?

Answer. Oh, yes, sir; and without any regard to color. They all, so far as I now remember, were mere individual transactions.

Question. In your judgment, is any political significance to be attached to these breaches of the peace or violations of the law?

Answer. So far as they relate to my immediate section, I do not believe they have any political significance whatever, either as to the acts committed by black men or the acts committed by white men, except that there is an antagonism of race which has been the cause, as I think, of the two riots of which I have spoken.

Question. And this antagonism of race has been aggravated by the measures of the Government?

Answer. Yes, sir, aggravated very much by the measures of the Government, but aggravated much more by the character of the men who have charge of our local government.

Question. The State and county officers?

Answer. Yes, sir.

Question. State, if you please, the character of these persons and the manner in which they have brought about this condition of affairs.

Answer. As to the character of the persons who have charge there, I never knew anything of them prior to their coming, except those who were citizens of the State. There are among them some few men of irreproachable character, so far as honesty is concerned. Some of them, I have no doubt, are honest men. They came there, however, or seemed to come, with the idea that we were an inferior race of people, not fit to govern ourselves; and I think that some of these men honestly believe we are unfit to be trusted in any matter of importance to the Government. I have no doubt that that is their opinion. They have acted on it, and they have taught the negroes (who are for the most part men of little information) to think the same thing of us. They have bred suspicion and distrust. They have taught these negroes to believe that we were their worst enemies; that we would defraud them of their rights, civil and political, as well as their individual rights of property; would swindle them in business transactions. That has been the general character of the teachings of men among us (even those who are considered men of honest character) who have come down there as political missionaries, I might say. Added to those there are a number of very vicious men who have made use of the negro population for the purpose of obtaining position, I presume, and making money. They have gathered the negroes together in large numbers privately in the night-time, and have talked to them in such a way as to create this kind of distrust. Then there are very bad men among our own people who have joined in that thing. In addition to that there are very bad men acting with the white people there, who have given cause for that kind of sentiment towards the people generally; I mean given a handle on which to build that kind of an accusation.

Question. But, notwithstanding the efforts of these bad men, the public opinion of the State, as I understand you to say, has preserved a very fair condition of affairs there?

Answer. There were great disorders there just after the war, and for some time there was not an orderly condition of society there. But for the last two or three years society has been as orderly there as I have ever known it, with the exception of some terrible outrages committed, as it appeared, by organized bands of men—organized, as I think, in local places—extending sometimes over a county. That appeared to be the condition of things, so far as I could learn it. With those exceptions I think that during the last two or three years the law has been administered in Alabama as well as it has ever been, I mean so far as regards the observance of peace and the preservation of property. I do not mean to say that the law has been well adminis-

tered, except in that sense. I would not have the committee understand me to say that the government had been conducted with that kind of propriety with which most men think governments ought to be conducted.

Question. Do you refer to your State government?

Answer. I am speaking now entirely of the State government; I have no reference to the General Government at all. I believe that person and property are as safe in Alabama now as they have ever been.

Question. Was there a sense of injury and resentment felt among the people of your State with reference to the act of Congress by which the present constitution was declared the constitution of your State, and officers inaugurated under it after its defeat by the people, under the law prescribed by Congress?

Answer. The chief cause of irritation in the State of Alabama has not been that alone. The chief cause of irritation there is the principle which has run through the legislation of the Government since the termination of the war, by which it is asserted or claimed that we are an inferior, degraded people, and not fit to be trusted. When Congress had that convention called which formed the present constitution of the State of Alabama, there was no special opposition, so far as I saw, to the holding of the convention. The convention, when held, adopted some provisions which were very odious to our people, and they were very much opposed to its adoption as a whole. They relied on the good faith of the Government of the United States to execute the law as it had been made; and they concluded that the best plan for them to get rid of that constitution was to stay away from the polls. In that way every man who did not vote would be counted on our side. By a deliberate calculation we concluded that that was the best plan. We relied on the good faith of the Government to carry out the law as it had made it, and expected that another convention would be called to make another constitution, in which we hoped these obnoxious provisions would be left out. The adoption of that constitution by the Congress of the United States was considered by us (I mean the people generally, outside of the colored people and the men who controlled them) a breach of faith in the first place, and an act of tyranny in the second.

Question. The white people of Alabama made no effort to elect officers under that constitution?

Answer. No, sir. We agreed to abstain from voting, and also to abstain from the election of any officers, with the hope that the constitution would be defeated and that thereby we would get rid of the obnoxious provisions in the constitution; that Congress would simply order another constitution to be made by another convention. That was our anticipation; and we relied on the act of Congress itself.

Question. Your constitution was formed by delegates, many of whom, as I understand, were not citizens of your State?

Answer. That is my information; and I have no doubt it is true. The delegates to that convention embraced officers of the army of the United States, officers of the Freedmen's Bureau, and many persons who were not citizens of the State, or had only become such within a few days. The order under which the election was held prevented a large class of the people of Alabama from voting. The election was held under a military order.

Question. In pursuance of the reconstruction acts?

Answer. In pursuance of the reconstruction acts, and carried out by the military authorities.

Question. And by those acts a large portion of the people were disfranchised?

Answer. Yes, sir; they were denied the right to vote. These things have irritated the people considerably. But if you are seeking the source of our irritation and the condition of affairs down there, it lies farther back than that. One of the main things of which we complain and have always complained is the breach of the contract made by the soldiers in the field. I have what I call a contract—an individual one with myself—made by General Sherman in the name of the Government of the United States, in which I was required to conduct myself after that time in obedience to the laws, and was promised that I should not be disturbed in any way if I did so. The soldiers went home, and as a body have been as obedient to the laws of the United States (whether they believed them to be just or unjust) as any people I ever saw. I speak of them as a body; some of them have been lawless. We have been denied the benefits of that contract, which was made when we had arms in our hands.

Question. And you look upon that as perfidy?

Answer. Well, I do not like to use so strong an expression as that towards the Government of the United States at this time; but we look upon it as a direct breach of a contract which we had made with the Government itself.

Question. And the subsequent acts of the Government enforcing upon you a lot of officers whom you had repudiated, and an organic law for the State which had been rejected by the people, have been regarded by you as in pursuance of the same policy?

Answer. Yes, sir. After that contract had been ignored by the Government of the United States these reconstruction measures followed; and the Congress of the United States (I say it to the committee with the utmost deference) has seemed all the while

to have acted on the idea that we were an inferior race of people, unworthy to be trusted, and whether we were in the rebellion or out of the rebellion, not entitled to the same rights that the same men would have if they would remove from Alabama to New York, for instance. Our local place of habitation was made a degradation in the eyes of the Government. That was the great trouble with us.

Question. Notwithstanding this dissatisfaction with the administration of the Government of the United States, have the people of Alabama any hostility to the principles of the Government?

Answer. I do not think that the people of Alabama as a mass have any hostility to the principles of the Government of the United States. But I would not have the committee understand me to say that they have no hostility of feeling toward the Government, as administered against them. It would be trifling with the committee to say that we could live as we do and not feel unkindly towards the particular men who have put these hardships upon us. It is impossible, in my judgment, that any man of a fair degree of spirit should feel kindly toward any class of men, who, with power in their hands, proclaim through official sources and without interruption that they are a degraded people—substantially that, either in words or in acts. Men will not submit to be so considered, and at the same time feel kindly toward the men who thus denounce them. There is that kind of hostility against the administration of the Government as at present conducted.

Question. After the recent election in your State—the last general election—when the democrats succeeded in electing their governor, there was a contest, I believe, and a disposition on the part of the governor, who had been installed by Congress, to hold on to his position?

Answer. Yes, sir; there was no contest, except by a curious proceeding instituted in a chancery court. On behalf of two of the State officers—Governor Smith and the treasurer—a bill was filed by which the officer designated by law for counting out and announcing the vote was prohibited from discharging that duty, so far as these particular officers were concerned; and then there was a proceeding instituted, under the provisions of a statute we have in that State, to recover the property of the office.

Question. The books and papers?

Answer. Yes, sir; the books and papers. The great seal was the thing that the suit was really for—the emblem of authority. Those two proceedings were all that I know of that you could call a contest. Governor Smith held the office after it had been announced that Governor Lindsay had been elected. He held it by the bayonet, though I will say that I have no idea in the world that there was any occasion for military force; he could have held it just as well in person as he could by the bayonet.

Question. He called troops to his aid?

Answer. Yes, sir; there were troops stationed at the capitol keeping guard over the different entrances on the second floor—the floor containing the offices.

Question. The office of the governor?

Answer. Yes, sir; there was a guard stationed at the treasurer's door, and also at the governor's room. He has two apartments about the size of this room, and both doors of his room were guarded day and night, and no one was permitted to pass in except by permission from the soldiers.

Question. Were you counsel in the case?

Answer. Yes, sir.

Question. Employed on the part of Governor Lindsay?

Answer. Yes, sir; I was engaged in the conduct of the case.

Question. Were you in the court-room on the day upon which that case was brought before Judge Smith?

Answer. Yes, sir.

Question. It has been stated here by Governor Parsons that the room on that day was filled with armed men from a distance, who, as he gave the impression, were present for the purpose of overawing the officers of the law, and perhaps of proceeding to violence in case the suit should fail; is that the fact or not?

Answer. The trial was in the county court-house; it is a very large room, and there were quite a number of persons there. I suppose the house was half full. There were men there from a distance, but, so far as I know or have reason to believe, not a man of them came there with any view to have anything to do with that business, except those who were engaged in the case as counsel. There were two very large gatherings in the town on independent matters, and without any reference to any political proceedings at all. The Methodist conference was in session there at that time, and had been before this proceeding was instituted, and the Grand Lodge of Masons, which embraces the entire State of Alabama, was assembled there. But I know of no single fact that induces me to believe that there was a single man there armed with any reference to that contest. I have no doubt some men there were armed. I did not see any arms. I had none myself; I mean I had none on my person. I had some in my trunk. I usually carry a pistol in my trunk, but I hardly ever wear it on my person, and I did not have it on my person then.

Question. Was there any such manifestation in the court-room, or anywhere else in or about the town, as would justify such an inference as I have stated.

Answer. Well, I cannot say whether there was or not. There was great indignation; but I saw no demonstration of any act of violence; I heard of none; and my opinion is that if any one drew the inference that there was danger of violence, it was merely from the aggregation of people in the town from the two causes I have mentioned, and the talk which would naturally arise in that gathering of people. I do not believe there was any violence meditated.

Question. The judge before whom this proceeding was had was a political friend of Governor Smith, the republican governor of Alabama?

Answer. Well, he was elected as a republican, and was so considered at that time; but I cannot say that he was his friend, and I do not believe he was.

Question. I say his political friend.

Answer. Yes, sir; he belonged to the same political party at that time.

Question. Did he render any decision on the matter?

Answer. He rendered no final judgment, as we call it. He made several rulings in reference to the matter, assuming jurisdiction of the subject; but he did not render any final judgment in reference to it.

Question. That became unnecessary by the action of Governor Smith in surrendering the office?

Answer. Yes, sir. I knew Governor Smith well. Years ago, before the war, I held courts where he practiced. He came into the court-room by order of the judge. He asked me to meet him immediately after the adjournment of the court. I did so; and he informed me that he wanted to resign, and get out of the trouble; that the proceeding had been instituted without his full approbation, although it was done in his name and by his consent, and he believed he had a right to do it. According to his statement of it, it was a political movement. He expressed a desire then to retire from the contest; and he said, among other things, that he desired to preserve harmony among the people of the State of Alabama; that he was afraid the disputed authority—two men claiming to exercise the office of governor—would have a very bad effect on the peace and good order of the community, and that he would retire for that reason. He did retire and surrendered the office—against the advice of his political counsel, as I have understood.

Question. What was the ground upon which he claimed to retain the office?

Answer. He claimed to retain it on the ground that, as he charged, there were frauds in the election.

Question. Did not his political friends hold possession of nearly all the voting places?

Answer. The Government was administered in all its departments almost entirely, with a very few exceptions, by the republican party.

Question. The election law gave them the appointment of the managers of the election precincts throughout the State?

Answer. Yes, sir. The managers, as we call them, are appointed by the judge of probate, the sheriff, and the clerk of the circuit court, or any two of them.

Question. Those officers had been elected at the previous election, when the democrats made no contest, and therefore throughout the State the republicans predominated in those positions?

Answer. O, yes, sir; they had, I suppose, nine-tenths of the officers of every sort.

Question. The election law enabled the managers of the election to commit great frauds, if they were so disposed.

Answer. Yes, sir.

Question. Were there any well-grounded charges of such frauds having been committed; and if so, in whose interest?

Answer. Well, sir, there were, according to my information, some remarkable frauds of that sort in the city of Mobile. That, however, was a bungling affair, according to accounts, and was detected. It was what they call "stuffing the box"—putting in more votes than were ever given. I do not myself know of any frauds on the part of the managers. I have heard of such things. The frauds which I knew of being committed (and they were very numerous) were what we call illegal voting—shipping large numbers of voters from one precinct or one county to another, and allowing a large class of the population to vote who were not entitled to vote under the law. Those frauds were very numerous.

Question. That could only have been done by the connivance of the managers of the election?

Answer. Well, sir, I believe it was done in many instances where the managers intended to obey the law. But they had a very exalted opinion of the words of the law, and did not like to interfere with this sacred thing of voting. I suppose it was thought necessary to pass extremely stringent laws, for fear the white people should interfere with the colored people voting; and in doing so the right to challenge a vote was destroyed. I think it was the general view of the managers of the election that they had no option about the matter; that a man who was registered should vote. There were

immense frauds of that sort. I saw numbers of them myself, and I heard, from what I considered sufficient information, that there were numerous others in other localities.

Question. By whom were these frauds committed?

Answer. By individuals acting, as I believe, under the pressure of bad political managers.

Question. By both parties? or if not, by which party?

Answer. Well, sir, I do not know of but one case where a man voted illegally on the democratic side; but I have seen, I reckon, as many as one hundred boys vote at one precinct, where it was palpable to any man that they were not twenty-one years of age, and some of them as low as fifteen.

Question. Are there, within your knowledge, any other facts bearing upon the general condition of the State at present in regard to the execution of the law?

Answer. I have referred to very great outrages that have been perpetrated in our State by persons who seemed to be combined together for the special objects that they accomplished. There have been several things of that sort, according to my information and belief.

Question. Are these outrages committed by persons in disguise?

Answer. Some of them are.

Question. Upon negroes?

Answer. Yes, sir. Some on negroes and some on white men.

Question. Did you hear or know of any committed by negroes upon negroes?

Answer. I have heard of one or two such instances; but I do not know anything of the sort myself. I heard of two instances: one was in North Alabama. My information is that some five or six negro men put on disguises, and took another negro man and gave him a terrible beating.

Question. In what county was that?

Answer. My impression is that it was somewhere near Florence or Tuscumbia; those two towns are six miles apart, and I do not remember which it was. A gentleman from Florence, I think, informed me about it.

Question. Was any attempt made to make that appear as what is called a Ku-Klux outrage?

Answer. It was published in the papers at the time it occurred just as they publish all such things. Every private feud there which results in blood is called a "Ku-Klux outrage," and attributed to our inherent bad nature as a people. There was a recent case of that sort in Tallapoosa County, which, according to my information, was intended to manufacture a piece of testimony of that sort; but some negroes came upon the man in the act. This man, who was a solicitor in Tallapoosa County, whipped two negro girls, and whipped them very severely with switches. That was reported as a Ku-Klux outrage also. But this man was caught by some negroes, as I understood; and it proved to be a white man who was manufacturing public sentiment in that way. But there have been other cases, a very considerable number of them, where I have had no cause to believe that they were not genuine outrages perpetrated without any semblance of justification and without any excuse on the part of the men engaged in them.

By Mr. BECK:

Question. You designate those as outrages by the lawless men of the country?

Answer. Yes, sir.

Question. If your last election for governor had been perfectly fair, would the democratic majority in the State have been greater or less than it was officially reported?

Answer. As a matter of opinion, I think the majority for Governor Lindsay would have been a great deal larger, because his majority was reduced by the frauds that I speak of—the shipping of men from one point to another by rail, and the voting of minors and other persons who had no citizenship in the county in which they voted. Our law does not allow a man to vote out of his county.

Question. Whatever may be the true technical construction of the act, tell the committee whether or not it is practically the fact that no one feels that he can, without risk of punishment, challenge a voter, even though he may know that he is voting illegally?

Answer. Well, that has been the interpretation by the multitude, and it has been acted on. That is, practically, the effect of the law. I do not mean to say that such is its true construction, though it says so in so many words. I do not believe that any court would hold that that was the true interpretation of the act. They would set aside the words and arrive at the purpose. That is my judgment as to what the courts would do.

Question. Yet the practical operation of the act has been that no man has dared to challenge even when satisfied a man was voting illegally?

Answer. I never saw it done except in one instance since the reconstruction acts were first set on foot. I mean at one particular election. It was a local election in the county of Perry—the election for mayor and aldermen. I happened to be there at court and I saw it done there. I know I was called on to advise the persons there

whether it would be a violation of the law to challenge a man who was not a voter I gave it as my opinion that if the man was not a voter, the one challenging him would not be liable to any punishment; but that, if he was a voter, it did not make any difference how honestly a man might challenge him, he could be indicted and punished.

Question. That is the only case, so far as you know, where a man ever ventured to challenge?

Answer. The only one I ever heard of.

Question. The letter of the law is against your construction?

Answer. The letter of the law is directly against challenging any person offering to vote.

Question. And because you regard enlightened judges as able to look beyond the mere letter of the law to its spirit and meaning, you believe that no court of high integrity and comprehensive views would adopt the literal construction of the act?

Answer. I rely on the rules of legal interpretation as settled by the courts.

Question. What is your knowledge or information in regard to negroes who have belonged to your Leagues, or who have been taking an active part as republicans, examining at the polls the ballots of negroes offering to vote, and especially of those offering to vote the democratic ticket?

Answer. Well, sir, there is a regular system on that subject, so far as my observation goes.

Question. Explain it to the committee.

Answer. The system is to make a door, either by men, or rails, or palings, through which all the voters are required to go. Ordinarily, I have seen these elections conducted at court-houses, and they are inclosed. A crowd stands usually at the paling fence, on both sides, and the voters, white and black, have to pass, because generally there is but one place of entrance; and if there are two, they generally station two men. Any white man is allowed to pass through without question, whether he belongs to one party or the other. The colored man, when he comes to this point of entrance, hands his vote, or it is taken, and it is inspected by another colored man stationed there for that purpose. He inspects the vote, and the man passes on, or he changes the ticket. That is the general system of voting in Alabama, so far as my observation goes, in reference to the colored people. If the negro has a democratic ticket, it is objected to by the man in command of the entrance; and sometimes I have seen controversies on the subject, but never any difficulty. There has never been any mob, except in one instance, and that did not grow exactly out of that kind of thing. But the vote is inspected, and, so far as my observation goes, there is always an effort to change it, if it does not suit the man in charge of the gate. Sometimes it is changed, and sometimes it is not.

Question. This organization that is formed at the gate is generally composed of colored men?

Answer. Almost always.

Question. And republicans?

Answer. O, yes, sir.

Question. They are the active controllers of these secret League organizations, I suppose?

Answer. They are called League organizations. They are secret societies, meeting for political purposes; that is my information. And these men who stand at the gate are, for the most part, bold men of that organization.

Question. Is not this organization acting entirely in violation of law?

Answer. Well, sir, I cannot say that. The attempt to intimidate a voter is a breach of the law, so far as they do that; but I do not know any law against a body of men meeting secretly for political purposes.

Question. I mean when they stop the voter and take his ticket away from him?

Answer. Yes, sir; whenever that is done in a style which tends to intimidate the voter, it is a direct breach of the law.

Question. Is it not done in such a way that the voter cannot very well resist, or does not generally resist?

Answer. I have seen it resisted, but it is not generally done. My information is that most of the negroes have belonged to that League in one form or another, and have been sworn in some way to obey certain orders coming from certain sources; and that when these orders are received, they do not question them at all, but obey them, as a general thing, though I have seen this proceeding not only questioned, but disputed with decided rudeness and indignation. I have seen it done by several colored men.

Question. Do you give it as your opinion that the great bulk of the intimidation that has been practiced upon voters in the elections in Alabama has been by organized bodies of the colored League upon their own race who seemed to be differing with them in politics?

Answer. It has been by the leading men—the bold men—of these secret organizations; the colored men, I mean. I do not believe a white man would engage in that sort of

business in Alabama in the presence of the multitude, but these bold negroes are put forward for that purpose; and really all the intimidation that I have ever seen, and all that I have ever heard of being exercised, at the polls, has been by black men on black men, for desiring to vote "against their race," as it is called.

Question. In other words, desiring to vote against the republican ticket?

Answer. Yes, sir; I have seen several acts of that sort myself and I have heard of several others.

Question. Have you any knowledge or information that, to obtain the votes of the colored race for the republican ticket, they have been promised property of any sort provided they did so vote or have been threatened with being put back into slavery if they did not? Do you know or have you heard of any coercion of that sort being used? If so, in what form?

Answer. I never heard any promises made to these men that if they voted the republican ticket they should have property. I have heard such things spoken of frequently, and I have heard negroes speak of it; but I have no knowledge of any such promise.

Question. Have you heard it from negroes who themselves have said they knew of it?

Answer. I cannot say that I have. I have heard negroes tell it as a fact; but I do not remember that I ever heard a negro state that it was promised to him. The other thing is very common—to tell the negroes that they will be put back into slavery, and that they will be denied the right to testify in the courts or to sit on juries, and denied all right of holding office. But that has not been, as I understand it, in the way of a threat; it has been the vile utterances of men for political effect—the slander of a people by men who desired to accomplish a particular object. It was not in the nature of a threat against the man; it was the mere political slander of an adversary, as I understood it.

Question. From all the information you have, did not those statements, on the one side that they would be put back into slavery if the democratic party succeeded, and that they would obtain land and mules and other things if the republican party succeeded, influence very largely the colored vote in your State?

Answer. I have no doubt it had its effect and a very decided effect; but my opinion is that as the negroes become enlightened and educated, familiar with public men and public things, (and they are acquiring considerable information in that direction,) such statements will not have the sort of influence they have had. In fact I am satisfied there has been a great change in that direction already.

Question. Do you know enough about the negro to know that if he has been deceived in any promise often enough to become convinced that a man will not keep faith with him, he no longer trusts that man in anything? Is not that one of the characteristics of the colored race?

Answer. Yes, sir; I think so—especially about money or property. If they are promised their pay, and do not get it, it is very difficult for the man who withholds it from them ever to show a reason satisfactory to them way it was withheld. They look upon such a proceeding as a great sin, and it frequently is.

Question. As a matter of fact, had not the people of Alabama, by a legislature in which there were neither negroes nor "carpet-baggers," so called—had they not, by the act of their own people ratified the thirteenth amendment and given to the negroes the right to testify in the courts—in fact all civil rights?

Answer. Yes, sir; they gave them all civil rights generally.

Question. Had not the legislature ratified the thirteenth amendment?

Answer. Yes, sir; under the government of the white race in Alabama, after the war, they ratified the thirteenth amendment, and gave the negroes nearly all civil rights, except the right to vote and hold office; not entirely, though.

By the CHAIRMAN, (Mr. POLAND:)

Question. I do not know that I precisely get your meaning in relation to the general complaint of the white people of your State with regard to the United States Government. With what particular act or thing have they been dissatisfied?

Answer. I have stated what I consider a contract made between the individuals of our army and the Government, acting through General Grant and General Sherman.

Question. At the time of the surrender?

Answer. Yes, sir. There is in that parole, as it is called, a distinct promise on the part of the Government of the United States that soldiers who retire to their homes, and conduct themselves in obedience to the laws, as peaceable citizens, shall remain there, and "shall not be disturbed by the authorities of the United States;" that is the language. If that means anything, it means that they shall enjoy the rights of property and person guaranteed by the laws of the land to persons generally.

Question. Then you and your people generally consider that the disfranchisement and disabilities which were imposed by the reconstruction measures were in violation of that?

Answer. Undoubtedly.

Question. There never was any attempt by the Government of the United States to interfere with the persons or property of individuals of that class?

Answer. Well, sir, I cannot say that there was any attempt to interfere with persons or property by the Government.

Question. Or by any law of the General Government?

Answer. No, sir, I do not know that there was any interference by any law of the General Government, so far as the taking of a man's property is concerned, in the sense of taking it from one individual; but in the sense of taking it from the community at large, there has been the most direct and, we think, tyrannical taking of property by the Government of the United States.

Question. Explain yourself a little more fully on that point.

Answer. I mean that no particular man's property has been seized and appropriated to the Government, so far as I know, by an act of the Government. The officials have done so, in great numbers of instances, but those we considered as violations of law, as disorders growing out of the war and the temporary power exercised by some men unfit for their places; we do not attribute those acts to the Government at all. Our cotton was taxed five cents a pound: the insurrectionary States were the only part of the United States that raised any cotton; that was a taking of the property of the country by what was counted a law of the land. It may have been a constitutional power, exercised by the General Government; that is for the courts to determine; but that it was fair or, in any sense, just, we cannot conceive, and we cannot conceive that fair-minded men in any part of the country would so regard it.

Question. That was a law on the subject of taxation which applied to the whole United States; it taxed cotton so much per pound, no matter where it was.

Answer. It will do to theorize in that way; a man who wants a reason for an unjust act might justify it in that way; but men who look at the facts cannot be blinded by any such reason as that. It was a tax levied in the shape of a penalty by the General Government on those they called "rebels;" it cannot, as I conceive, be fairly interpreted in any other way; it was a penalty.

Question. I will not take any time in debating about that, as I now get your idea; but your people regarded also all the disabilities and disfranchisements arising under the reconstruction acts as in violation of the terms of surrender?

Answer. Yes, sir, I think the people generally considered that to take away a man's right to hold office or to vote, without a trial, is not allowing him to remain at his home "undisturbed by the authorities of the United States."

Question. And your people were dissatisfied with that; they thought it was wrong in itself, and that was also a violation of the terms of surrender?

Answer. I cannot say that our people thought it was wrong in itself, because we recognized, to the fullest extent, the right of the conquerors over the conquered; but we did not think it was an act of good faith on the part of the Government of the United States to make a promise to men with arms in their hands and violate it so soon as they had surrendered those arms.

Question. So that the dissatisfaction grew out of the idea that the reconstruction policy of the Government was violative of the terms of surrender?

Answer. Yes, sir; it showed a purpose to punish individuals for alleged crime without any trial by law.

Question. You thought that if the thing were to be done at all, it ought not to be done in that way?

Answer. Yes, sir.

Question. This idea, you say, was, in your judgment, a greater ground of dissatisfaction than the course that Congress took in imposing the constitution on the State after the people failed to ratify it according to the terms of the reconstruction acts?

Answer. Yes, sir. I really believe that the great evil under which we are now suffering arises from the idea which is embraced in several, perhaps many, of the acts of Congress—that we are a degraded race.

Question. Was the granting of suffrage to the colored people satisfactory generally to the white people of your State?

Answer. The people were divided on that. They never came to any agreement by which the colored men obtained any right to vote, and I do not know that they would have done so. The white people were opposed to negroes indiscriminately having the right to vote, though there were considerable divisions of opinion on that subject, and very many were in favor of their having a right to vote of a qualified nature.

Question. A qualification founded on education, or property, or both?

Answer. Well, sir, both were spoken of; but there seemed to be no settled plan. We were in a new condition of things, and opinion was being molded by circumstances.

Question. The great mass of the colored voters in your State vote the republican ticket?

Answer. O, yes, sir; the mass of them.

Question. The great mass of them, you have no doubt, desire to vote in that way?

Answer. Yes, sir; I think that a very large majority of them desire to vote in that way at this time.

Question. They try, I suppose, to influence and persuade every man of their race to think as they do and to vote in the same way?

Answer. They do; and these bold men of whom I speak try to force them to do it by intimidation.

Question. They argue to them and endeavor to persuade them to do it?

Answer. O, yes, sir; and to frighten them.

Question. They argue to them that they are indebted to the republican party for their freedom.

Answer. Yes, sir.

Question. And for the right of suffrage?

Answer. Yes, sir.

Question. And for all their civil rights?

Answer. Yes, sir.

Question. They argue to them that all these things were secured to them against the wish of the democratic party?

Answer. Yes, sir.

Question. And it is urged that therefore they all ought to vote with the republican party?

Answer. Yes, sir.

Question. They use all these arguments to show them that the republican party are their friends politically, while the democrats are not?

Answer. Yes, sir; those are arguments very commonly used.

Question. You have spoken of the advice that their leaders give them in those Leagues. Have you ever known any republican leader in your State to argue to men that they ought to do any violence to the white people or to deprive the white people of any right that belongs to them? Have you ever known any republican leader to advise the colored people that they should do anything more than assert their rights, and to argue to them that they ought to go with the republican party because they were their friends politically?

Answer. I have heard several speeches, the direct tendency of which, while they did not profess to advise violence on the part of the negroes, was to produce acts of aggression on their part against the white people. I will explain that in this way: The former masters of those who had been slaves were abused; the negroes were told of their sufferings in slavery; they were told, "All this property that you see here, these lands, were cleared by you; you made all these fences; you dug all these ditches; and you are the men they belong to." That was the style of speaking. Such speakers have told the negroes that it was the purpose of themselves, and they thought they could induce the Government of the United States to carry it out, to have a division of those lands. I have heard such things said by their leaders; I say their leaders, but they are very insignificant men—men whom you would never invite to your house if you knew who they were; but still they are the controlling men who have charge of these negroes in the special localities; and they base their speeches on the text of a bill which was introduced into Congress by Mr. Stevens. I cannot remember the provisions of the bill; but you, perhaps, will.

Question. The Stevens confiscation bill?

Answer. Yes, sir. It proposed to divide up the lands in small parcels and appropriate them. The negroes were taught to believe that this would be done; that all those immense farms would be hashed up into small pieces and divided among them, provided they would support the republicans, and keep down these bad men called "rebels" and "secessionists."

Question. The result of all this argument was to get them to vote the republican ticket?

Answer. That was the primary object—to get them to vote the Republican ticket, and to vote for the special man who was making the point. But the direct effect was to create a feeling of hostility in the mind of the negro against his neighbor, the white man who owned the land.

Question. These were a set of reasons which they gave to the negroes to show them why they should vote the republican ticket, instead of voting with the democrats?

Answer. O, yes, sir; they were reasons for voting the republican ticket, and denunciations of the men who owned land.

Question. They said to them in substance, "These men were opposed to your being free; they were opposed to your having the suffrage; they were opposed to your having your civil rights as witnesses in court, &c.; and if they get into power they are of the same opinion still, and will try to deprive you of all these things." That was the style of reasoning adopted; and you say that they once argued about a division of property which they were going to have, if possible.

Answer. I did not say "once." I said I heard it.

Question. Is that the style of argument used now, or was it used on some former occasion?

Answer. I do not speak of that style of argument being used now. Some of the speakers, quite a number of them, will talk now of the negroes being put back into slavery, provided the democrats ever get power; they make all such charges as that; but I have not heard lately about the division of lands.

By Mr. BLAIR:

Question. Have you heard promises of "forty acres and two mules?"

Answer. Well, sir, I have heard of that story in the community generally; but I never heard a speaker promise that in so many words. I have heard a number say that the lands should be divided.

By the CHAIRMAN, (Mr. POLAND:)

Question. If there were promises of land, property, and things of that sort, I suppose the argument pretty soon exhausted itself?

Answer. No, sir; it lasted considerably longer than you have any idea of. Mr. Stevens's bill was the basis of it; and really, some tolerably well informed white men thought that it might go through.

Question. That was four or five years ago?

Answer. Yes, sir; but those reconstruction measures, you remember, grew in intensity all the time; if we did not obey the political orders we got, they put the screw a little tighter; and we did not know but there might be actually a division of the land, though I must confess I never had any serious apprehension of it myself.

Question. You say that in various localities in your State there seemed to be organizations of men, (sometimes, at least, as extensive as a county,) who did lawless acts and acts of violence?

Answer. Yes, sir; I said there seemed to be some local organizations that did acts of very great outrage.

Question. Well, sir, how extensive was that in your State?

Answer. So far as I have any information, those acts were local matters.

Question. Were these organizations spread over a good part of your State?

Answer. I think not, sir. So far as my information goes there were acts of violence committed by men in bands in the northern part of the State, and in the western part, in two or three counties; and I heard of one such transaction in the interior of the State, near Paytona.

Question. In your judgment, according to the information which you have on this subject, what class of men composed the bands that committed these outrages?

Answer. Well, sir; I have no reason to believe that there were any that would be properly called "bands" in our county; but there seemed to be, and I believe on my information that there were, local organizations; and my impression is that at first there were some substantial, good citizens in them; but like all other men who undertake to regulate society by mob-law, the better class of men discovered that they could not control the bold and bad element associated with them, and they left the organization in the hands of turbulent, bad men who, as was the case with the Regulators in Texas, and the Vigilance Committee in California, used it, or their influence in it, for extremely bad purposes.

Question. So far as you know or have information, did the modes of operation of these bands seem to be much alike? Did they generally go out in considerable numbers, and in disguise, and in the night time?

Answer. I cannot say that there was any general custom about it, because I have only hear of some four or five instances of the whole thing.

Question. As you have heard of these things, was the general description of them much alike?

Answer. I never heard any description of them except that they were disguised men wearing masks and cloaks. That is about all I have heard of them.

Question. Against what class of persons were these evil doings generally directed?

Answer. Do you mean against persons of what color?

Question. Were they generally directed against colored people, or white people?

Answer. I do not know that there was any distinction in that regard; so far as I have heard, they have been exercised on both black and white people.

Question. Did there seem to be any choice of political parties? Did these men seem to do violence to men of one party rather than the other?

Answer. Well, sir, I think I have heard of more acts of violence being perpetrated by disguised men on colored men, or white republicans, than on any other class of people. But these outrages have been committed indiscriminately by colored men on colored men, and by colored men on white men.

Question. Have not the latter classes of cases been very few and rare in comparison with the whole number?

Answer. No, sir; they have not been very few.

Question. You said you heard of two instances?

Answer. I said I knew of two instances.

Question. Have you heard of any more instances where men have gone out in disguise?

Answer. Oh no, sir; not in disguise, but in bodies.

Question. I am speaking of these bands of disguised men who seem by common parlance to have got the name of Ku-Klux bands.

Answer. My impression is that that word "Ku-Klux" was a word invented for political purposes. It does not belong, so far as I know, to any particular class of bad men, but is a word that is now used to signify the violation of law by men in disguise.

Question. If you have studied the derivation of that word at all, and know how it did originate, have you not understood that it is a term of designation which these bands themselves have adopted?

Answer. I never heard of such a thing in my life. I thought, and I still think, it is a word which has sprung up and has been a term of reproach attempted to be fastened by one party on another or a portion of another party.

Question. Do you mean to say that you think it is a sort of nickname which the republicans have got up to cast odium on the democrats?

Answer. I do. That is my belief.

Question. You do not believe that all these repeated instances of outrage by this class of men are an invention?

Answer. I believe there have been a good many instances of a very great outrage.

Question. In the case of these outrages committed by these bands of men in disguise in different portions of the State, have not their threats of mischief, so far as you have heard, been generally directed against republicans, either white or colored?

Answer. I have already answered that the majority of outrages, so far as I know, in my particular section of country, were perpetrated against black and white republicans.

Question. How do you account for that? Have you any theory about it?

Answer. I account for it from the fact that the white men of any community are generally bolder men than the colored race, and that a bad set of white men would be more likely to do that sort of violence than a bad set of black men, though they would both, no doubt, be inclined to engage in the same business. It is the difference in the boldness of the races.

Question. Do you think that these things have been designed to affect the vote of the colored people in your State?

Answer. I do not think that they have had any such purpose whatever. I believe they are the manifestations of a bad system carried on by bad men for the purpose of punishing what they call crimes.

Question. In a great many instances, have not these acts of violence been done against people who were not charged with any crime?

Answer. I do not remember any such case. I do not remember an instance in which there was not some charge, real or pretended.

Question. Your idea then is that these proceedings are a mode those men have adopted to take into their own hands the punishment of somebody who ought to be punished for something?

Answer. I have no doubt that it is just the same sort of an idea as that upon which the Regulators in Texas and the Vigilance Committee in California acted. It is an undertaking to administer the law by a mob.

Question. Have you heard of any instances where life has been taken by these disguised men?

Answer. Several—quite a number. I can name them, if you desire it. The facts have not come within my own knowledge; but I have information on which I rely.

Question. State the instances that you remember with the particulars of each case.

Answer. There were, as I remember, five men—one white man and four negroes—killed by a mob in the neighborhood of Cross Plains or Paytona, on the Selma, Rome and Dalton Railroad. I do not remember the names of the colored men; the white man was named Luke.

Question. About what time was that?

Answer. I cannot state the time with accuracy; but it was in 1869 or 1870.

Question. State substantially what you understand to have been the facts of that case.

Answer. I have heard that there was some firing on a congregration of people going out of church one night, and that some colored men, charged with having something to do with it, were arrested by the officers and put in the hands of the sheriff; and this man, Luke, was charged with teaching that style of conduct to people where he lived. I am inclined to think that Luke was also in charge of the sheriff on some allegation or other. These men were taken by the mob and hung; they were taken by force from the sheriff in the night-time.

Question. By a band of men in disguise?

Answer. Yes, sir; by a number of men in disguise.

Question. Did you understand in whose employment the white man was?

Answer. I have understood he was in the employment of the Selma, Rome and Dalton Railroad, and was teaching school at or near Paytona.

Question. A colored school?

Answer. Yes, sir.

Question. Is that the substance of the case?

Answer. That is the general outline of what I have heard in reference to it.

Question. State another instance.

Answer. You desire, as I understand, that I shall speak only of killings by disguised men?

Question. Yes, sir.

Answer. There was a killing, as I am informed, of a young man named Boyd, at Eutaw, in Greene County, Alabama, by a body of disguised men.

Question. He was the solicitor of Greene County?

Answer. Yes, sir; I think he was the county solicitor. I have been informed that quite a number of persons galloped up to the hotel where he was boarding, and a portion of them dismounted, went into the room where he was, took him out, and murdered him in a very brutal manner.

Question. With what did you understand Boyd was charged?

Answer. I do not know what his killing was for. I have been informed that he was the county solicitor, and that he was engaged in prosecuting some men for committing some heinous offenses; that he had made threats about what he would do and boasts of his being able to convict certain parties: I do not know that they were ever named.

Question. Did you hear it charged that Mr. Boyd had done anything except what was his duty as an officer of the law, to prosecute people who had been guilty of crime?

Answer. O, yes, sir. I have heard that he was a man who sold the administration of the law, as many others do there. They let a man off when he will pay for it, and prosecute him for vengeance when they are disposed to do so.

Question. That is a new feature in that case.

Answer. I do not know anything about the case except what I hear of it. Mr. Boyd, according to reputation, was a very bold, vindictive man.

Question. Do you mean to have us understand that, according to what you have heard, he was killed on account of misconduct in office?

Answer. O, no, sir; I do not mean that. I mean to say that in my opinion Mr. Boyd was killed in order to gratify the malice of his enemies, and to prevent the prosecution of individuals.

Question. To prevent the bringing of other unlawful acts to punishment?

Answer. Yes, sir. I think from what I have heard that in all probability the motives were combined—that the object was both to gratify malice and to prevent prosecutions.

Question. He was prosecuting some men for acts of this same character, and prosecuting them vigorously and zealously. Did you hear any more than that, unless it was that he was so indiscreet as to talk about his purposes with reference to the enforcement of the law?

Answer. I have heard generally that he was prosecuting certain parties with a great deal of zeal and a great deal of bitterness.

Question. Parties who were charged with unlawful acts?

Answer. Yes, sir; charged with very heinous crimes.

Question. If you have stated the substance of that case, state another.

Answer. I do not remember any other special feature connected with that case. I have heard persons, in speaking of it, connect Mr. Boyd with a killing many years ago. I do not know of any connection which that has with his assassination, though I have heard it mentioned as a probable cause. I have never been able to see any connection myself. I reside at some distance—fifty miles or more—from the scene of that occurrence.

Question. These bands of disguised men, on a great many occasions, whipped or beat, or otherwise maltreated persons without killing them. Is not that class of cases much more numerous than cases of killing?

Answer. No, sir; so far as my knowledge goes, it is not. I know of but few cases of either sort where the acts were done by disguised men.

Question. I understand you to think that in all these cases the violence grew out of some personal resentment, or it was committed with a view to punish, by mob-law, somebody who was charged with some offense?

Answer. Yes, sir; or to gratify the malice of the particular individuals engaged in it.

Question. Have these transactions by bodies of disguised men grown at all out of the feeling of dissatisfaction with the government of your State?

Answer. I suppose that has had something to do with them, or rather that these wrongs which have been inflicted on the people of our section have been made a pretext for the acts of bad men in administering, or attempting to administer, punishment. I suppose that has been to some extent a pretext.

Question. Do you think that that was the real purpose or motive, or was it merely alleged as an excuse to cover up something else?

Answer. I think it was a mere excuse—a mere subterfuge.

Question. You do not think that, in point of fact, any of those things were the occasion of these lawless acts?

Answer. No, sir; I do not think they were the occasion; I think that probably they aggravated them by giving this pretence.

Question. They alleged as an excuse something which they thought the white people would generally accept?

Answer. It was an attempt on their part, so far as I know, to get the countenance of the better class of people to such acts of outrage. In other words, it was a cloak.

Question. Do you think that, in consequence of this pretext being set up, these acts of violence have been looked upon with any more favor, or that there has been any less disposition to prosecute them, and bring them to trial and punishment?

Answer. I do not believe it. I believe an honest citizen will discharge his duty without any regard to such things.

Question. As a general thing, have the acts done by these bands of men been punished in any way?

Answer. So far as I know, I do not remember a case; but my belief is, that the reason they have not been punished is because they could not be detected.

Question. Because the men went in disguise?

Answer. Not only because they went in disguise, but that they took such precautions as other criminals do to avoid detection.

Question. Do you not think that the failure to prosecute this class of offenses has been to a considerable extent on account of the fear that this very organization created in the community, so that men did not endeavor to bring the offenders to punishment for fear of incurring the displeasure, and perhaps the violence of this class of men?

Answer. I do not so judge. I believe that the men who commit these outrages would be punished, with absolute certainty, if they could be discovered, and that it would be done as effectually as it could be done to-day in Vermont.

Question. Do you think there has been as much vigilant endeavor on the part of respectable people of your State to ferret out and punish this class of offenses as ordinary crime?

Answer. I think so. I will say, however, that our officers who conduct the administration of the law are to some degree separated from the white people, as a general thing, and it may be that there is not that kind of intercourse between the citizens and the officers that there ought to be. When a man is known to sell public justice to who ever pays the most for it, citizens desiring to have the law enforced will be slow to go to him for that purpose; and there are instances in our State (and they are not at all unfrequent) where that sort of thing has been done. It may be that citizens have been, to some extent, remiss on that point; but so far as regards a desire to punish these criminals, I have no doubt that it exists.

Question. When you speak of "selling public justice," do you mean the charge to apply to prosecuting officers, solicitors, &c.?

Answer. Yes, sir; those are the men who mainly conduct that business.

Question. Do you intend your observation to apply to that class of officers?

Answer. Yes, sir, that is what I mean.

Question. Are you willing to give us the names of any of them?

Answer. I can state them if it is desired. You can get the names from the records down there—from indictments for the very thing itself.

Question. Have some of them been indicted for corrupt practices in office?

Answer. O, yes, sir; some of them have been indicted.

Question. And tried and convicted?

Answer. I do not remember any instance where a man has been convicted?

Question. Then you mean that there are allegations of that character against them?

Answer. There are indictments—quite a number—indictments found by a grand jury.

Question. In any cases of that class, have you yourself any personal knowledge in reference to the facts?

Answer. Oh, yes, sir; I have personal knowledge of some of them; I do not know of the bribe being given; but I have that sort of personal knowledge that a practicing lawyer engaged in a court and familiar with the causes has, when he sees great criminals go out of court without punishment, by the consent of the solicitor. That sort of knowledge I have—a large amount of it.

Question. To what particular officer do you refer in that connection?

Answer. Well, sir, the solicitor of my county.

Question. What is his name?

Answer. Do you desire that I shall state it? I am perfectly willing to do so.

Question. State it.

Answer. Jasper N. Haney.

Question. We have no desire to cover up the rascality of anybody.

Answer. I have no desire to cover it up; but I did not wish to make public here, in a place where it will be printed, the particular offenses of individuals who have not been convicted.

Question. I intended to have you understand that if you felt, yourself, any delicacy about it, I would not press the inquiry. So far as my own feeling and desire are concerned, I want every rascal of every party as publicly and generally known as possible.

Answer. Yes, sir; and if we had the law administered by you in that spirit in Ala-

bama, there would be no such thing there as these disorders. The bad men of both parties would be brought to trial.

Question. I wish to put an inquiry to you in reference to the Alabama election law. By your law every man when he registers has to swear to all the particulars of his qualifications as a voter?

Answer. Yes, sir; that is the registration oath, as we call it.

Question. And if he swears falsely, he is liable to be punished the same as for any other perjury?

Answer. Yes, sir; of course he is liable to punishment for perjury.

Question. I have had some controversy with some members of the Alabama bar in reference to that law. Some of them have testified that a man was just as liable to be punished for challenging a person not a voter as for challenging one properly qualified.

Answer. I say the letter of the law is against the challenge in any shape, and that if the man challenged happens to be a voter, the penalty will certainly be incurred. But if he does not happen to be a voter, in my opinion, a judge acquainted with the correct rules for interpreting statutes would not have him convicted.

Question. I am very glad to find one Alabama lawyer agreeing with me. We have been told by some gentlemen of the bar from your State, that where a man has voted once and offers to vote again, a man objecting to his voting a second time at that election will be liable to be punished under that law.

Answer. Well, sir, that is the letter of the law, and I think it is the spirit, too, if the person challenging happens to make a mistake and the man has not voted before.

Question. But if the man has already voted once he has exercised his right to the full extent to which he is entitled by the law?

Answer. Yes, sir. My opinion of the law is that if a man is not a voter or not entitled to vote, the person challenging him could not, by a proper construction, be convicted; but if the man who makes the challenge makes a mistake, however honestly and fairly—if the man whom he believes not entitled to vote is really qualified——

Question. You think he challenges at his peril?

Answer. He does, undoubtedly, in my opinion.

By Mr. BLAIR:

Question. Suppose a challenge is offered, will not the judges of election rule that the challenge shall not be received?

Answer. It has always been the practice, so far as I have known, not to challenge, except in one particular instance. I have known a great many votes to be taken in where the judges knew that the men voting were not qualified; and I believe it was done honestly, in many instances, under the belief that the officers of the election were bound to take the votes because the men were registered; and I do not know of any machinery of the law by which they can try that question.

By the CHAIRMAN, (Mr. POLAND:)

Question. Except to contest the election?

Answer. I mean, try the question of a man's right to vote.

Question. At the polls?

Answer. At the polls or otherwise.

Question. I think that is the true construction of your law; that it did not intend that any man regularly registered should be prevented from voting. They rely upon punishing him for false swearing in the registration, and leave the candidate to his remedy by a contest?

Answer. The law opens a very wide field for frauds in elections and takes away almost every one of the safeguards except the oath of the voter.

Question. Those gentlemen from your State who have thought that the election officers or anybody else would not be entitled to prevent a man from voting twice have, in your opinion, given the law too sweeping a construction?

Answer. Well, I do not know of any means by which such a thing can be prevented except at the same poll; because that is the only place at which any information can be had by the managers as to the fact that the person has already voted. I presume that if a man should offer to vote a second time at the same poll, the managers would of course, if they knew it, have a right to reject his vote.

Question. The managers at another poll would have just the same right?

Answer. I think not; because how can they get the information?

Question. I mean if they had the information?

Answer. But they have not got it; and the law provides no means by which they can get it.

Mr. BLAIR. You are not allowed to challenge and assert the fact that a man has already voted.

Mr. POLAND. I do not think the prohibition of a challenge extends to that case.

Answer. I do not think it does; but still that is the practical working of the law.

By Mr. BECK:

Question. What would be the effect upon your people, as regards the restoration of good feeling, if a general amnesty should be granted for all political offenses?

Answer. I believe that such a measure would tend to restore good feeling on the part of the people of the South toward those who have charge of the Government there. I believe it is absolutely impossible for the Government of the United States to have us at the South good citizens without our full restoration to equality before the law, with the whole people of the country, except so far as there may be punishment for crimes of which parties are duly convicted. We never will willingly submit to degradation; and this is a source of constant irritation. I will say furthermore, that as a general rule the people in the South, (when I say the people I speak of the white people, because it has been the custom so to speak,) will submit to the Government of the United States, and they have no idea, so far as I have ever heard, of questioning its authority in any other way than by votes or in the courts. But they consider themselves as wronged in a manner directly contrary to the spirit of the Government by being punished without ever having been convicted of any crime; and many of us are punished really without having been guilty of any crime in the estimation of the men who punish us. We are deprived of the privilege of selecting for ourselves such rulers as we would like to choose; and in that way we are punished. I do not think that individual acts of amnesty do any good. I believe they are really an injury to our people. The evil of which we complain is not the fact that any particular man is deprived of any rights; it is the degradation attempted to be fastened upon us by saying that we have not the same civil or political rights as people in other sections of the country.

Question. I believe you illustrated the idea a while ago by saying that you complain of the local degradation attached to you as citizens of Alabama, and which the same individuals would not suffer if residing in the State of Vermont, for instance. Is that the idea?

Answer. Yes, sir.

Question. In other words, you complain of a degradation being attached to the very fact of residing in the State of Alabama?

Answer. Yes, sir, and to citizenship there. We feel that we have been guilty of no crime; and that if we have been guilty of crime the general spirit of the Constitution of the United States and of this Government is that no human being has any right to punish that crime except through a conviction in a court of justice. We believe that that is not only a principle of justice, but a correct principle of law.

By Mr. BLAIR:

Question. Is not that the very language of the Constitution?

Answer. Well, you know the Constitution imposes this punishment; and in that way men quibble out of this great wrong.

By Mr. BECK:

Question. Have not your people been greatly irritated by individuals—officers of the Freedmen's Bureau and men known as "carpet-baggers"—coming down there and obtaining authority over you, not for the benefit of the United States, but to put money in their own pockets, and assuming that the Government was backing them and authorizing them to oppress you for their individual benefit?

Answer. I have no doubt that that class of men have done us a great injury, not only by the direct wrongs they have inflicted on us, but also as having been the occasion of our displays of undignified temper. I would like to refer to one very great misapprehension in reference to the situation of a man coming to Alabama from another section of the country.

Question. Give us your view on that subject.

Answer. Individuals come to Alabama—some of them honest men and well esteemed where they came from; others of a very different character; a large proportion of them, so far as I have had any personal knowledge or information, of the latter class; neither of them, however, showing to the community in which they settle any indication or evidence of their standing among their neighbors at home; and although a man may conduct himself, for the time he is there, fairly and honestly and uprightly, no man in the community knows by any correct information who he is; and he is not received into society. This has been made a great charge against us, though I have never seen any regulated society on earth that would receive any man into it unless he showed in some way that he was considered an honest man at home. It has been assumed, so far as our social treatment of strangers and immigrants has been concerned, that the fact of a man belonging to the conquering element ought to be a sufficient voucher for his character; and such men have not thought it necessary, as a general thing, to produce any other voucher in the new home that they have selected for themselves. Where a man has come to our country and conducted himself with propriety, and has shown to the people by any evidence worthy of credence that he was an honest

citizen where he came from, he has been received, so far as I know, with a certain degree of hospitality. It has not been as cordial as it would be toward one coming from another direction; but it has certainly been respectful, courteous, and kind, whether the man was a republican or a democrat. I know numbers of gentlemen who have come down there and held office—high office. They were gentlemen at home and they made it known there; and although they were decided republicans, they were received in society almost as well as any of our citizens. We do not discountenance a man merely because he is a republican; but there is a prejudice against that class of people coming there, because of the numerous vicious men who have settled among us, and oppressed us under the forms of law. I could name several distinguished republican gentlemen residing in Alabama, who were gentlemen at home, and are recognized and treated as gentlemen there—honest, direct men, attending to their own business, discharging their official duties, and not prostituting their places for the purpose of manufacturing political capital, as is done in numbers of other instances.

By Mr. POOL:

Question. Were you in the confederate army?

Answer. Yes, sir; I was.

Question. What position did you hold?

Answer. I went into the confederate army as a major of infantry, and I became a brigadier general.

Question. You are yourself under disabilities?

Answer. Yes, sir; I am under disability as a former solicitor and judge.

Question. If you were residing in Vermont, you would be under the same disabilities, would you not?

Answer. Yes, sir; so far as I am individually concerned, I would.

Question. What is it that the people of Alabama complain of as a local discrimination which would not attach to them in another part of the Union?

Answer. The local government of the State of Alabama is imposed on the people of that particular locality without their consent. They have never consented, either to the form of government, or to the selection of those who hold the offices. In other words, our government has been manufactured by Federal authority and without the consent of the people.

Question. You consider that as the great source of irritation?

Answer. O, no; I did not say that. I said that was one of the causes. The great source of irritation is the degradation attempted to be heaped upon our people by the authority of the Government.

Question. You mean in that way?

Answer. No, I do not mean in that way alone.

Question. In what other ways?

Answer. There are in the State of Alabama, in my opinion, as many as five thousand, probably ten thousand men who have no right to hold any office, State or Federal, in the United States. We consider that as simply an act of tyranny contrary to the contract made on the part of the Government of the United States, and that it is done in wantonness and without any purpose other than to maintain that sort of excitement which exists in the Northern States, for the purpose of enabling one particular political party to control the Government. This is our belief.

Question. You would not have it understood that these five or ten thousand gentlemen who are disqualified to hold office are the people who are guilty of these outrages committed by men in disguise?

Answer. I never said anything of the sort. But I am satisfied that the men who are disqualified, if they had not been disqualified, and if they could have had the control of the government of Alabama, as they would have had in any fair political transaction, would have contrived a machinery by which those things would have become impossible; because they are not only honorable men, but they are men who are anxious to preserve a spotless reputation; they not only do not want to be guilty of crime, but they do not want to be suspected; they desire that there shall be no cause of suspicion of their being guilty of such outrages. I think if the brain of the State had been allowed to control it, (and when I say "brain" I mean these men who are accustomed to control,) those disorders would have been very greatly mitigated, not because those men encourage them, but because the State is now deprived of their services in the administration of the law.

Question. How could those men, if they had the power, detect the men who commit crimes in disguise, any more than the men can who now have charge of affairs?

Answer. It is not for me to say how it could be done; but a firm officer, with the means of enacting laws and providing legal machinery, conducted in all its details by men experienced in such business, ought to be able so to provide that some of them would be caught and punished, and thereby others deterred. That these crimes could be prevented entirely, I do not believe.

Question. You are not under the impression, then, that, as the government at present exists in Alabama, life and property are entirely safe?

Answer. Of course they are not entirely safe. I do not consider them entirely safe in any part of the United States.

Question. Do you consider them as safe in Alabama as they are in other parts of the country?

Answer. I do; I think they are probably safer than in many other parts of the country.

Question. Safer than in some of the Northern States?

Answer. I think so.

Question. Then, what good would it do to let those gentlemen now disfranchised take charge of affairs, if life and property are already as safe in that State as they are elsewhere?

Answer. It would remove a disgrace. I was going to use too strong an expression; I must moderate it.

Question. I meant to ask what good it would do in enforcing the law and protecting life and property?

Answer. It would do good.

Question. How?

Answer. The order which I speak of as prevailing there is the order of a community who have upon them the necessity of individual protection—the necessity of taking care of their property in looking after these things. The administration of the law in the courts is passably well conducted, except in reference to selling the administration of the criminal law. That is one of the vices which I have seen there. It is a vice which I understand prevails to a very great extent in other places—possibly in this city and in other cities.

Question. How many instances of that have you known in Alabama?

Answer. How many instances have I known?

Question. Or in reference to how many have you such information as you rely upon?

Answer. Well, I think in six, or eight, or ten counties. It is not an unusual thing; it is common.

Question. Do those outrages, commonly denominated Ku-Klux outrages, exist more extensively in those particular counties than elsewhere in the State?

Answer. I cannot say that they do. "Ku-Klux" is a name given to offenses of every kind committed in secret.

Question. By persons in disguise?

Answer. Whether they are disguised or not; that makes no difference; and it makes no difference whether the offense is committed by a negro or a white man, by a democrat on a republican, or by a republican on a democrat.

Question. My question was, whether those outrages are more frequent in the counties where you say justice is sold, than in others.

Answer. I do not think that they are.

Question. You are not able, then, to perceive that this selling of justice, in some five or six counties, has had anything to do in making these outrages worse or more frequent?

Answer. Well, sir, I am inclined to think that it may have been another pretext for these outrages. People might say, "If the offenders were carried to court the solicitor would let them off." That may have been another pretext; but I do not know that in the particular localities where these offenses have been committed, justice is more trifled with than in other places. What I mean by the safety of life and property in Alabama grows out of the firm will of the people to have the law administered, in contradistinction to any special vigor of the courts or the officers in carrying it out.

Question. Have you ever heard of bands of disguised men in other States committing offenses and not being detected?

Answer. Yes, sir.

Question. To any great extent? I mean outside of the Southern States.

Answer. Yes, sir; O, yes.

Question. In what localities?

Answer. Why, in Texas; before the war it was a very common thing, and it was a terrible thing. It got so that a good man could scarcely live in certain sections of the country.

Question. That was a wild disorderly country before the war?

Answer. No, sir; it was a very well-regulated community until this organization took place.

Question. At what time did that organization take place in Texas?

Answer. Well, I do not recollect exactly; but the time I am speaking of must have been about 1846 or 1847. It was shortly after the admission of Texas into the Union.

Question. You are a lawyer, and your reading has, of course, made you familiar with the jurisprudence of Great Britain, from which we derive our jurisprudence. Have you ever heard that within the last hundred years there have been in various counties of Great Britain bands of men who, in disguise, committed scourgings and murders, and whom the authorities were not able to detect?

Answer. Great numbers of them.

Question. In England?

Answer. Yes, sir.

Question. Have you ever heard of them in the Northern States of this country?

Answer. I do not recollect now that class of offenses in any of the Northern States, except California, if that may be called one of the Northern States. In England, in Ireland, and in parts of Scotland——

The CHAIRMAN, (Mr. POLAND.) It seems to me that this line of examination is foreign to the purpose of our inquiry.

Mr. POOL. I supposed the question was pointedly pertinent, and therefore I put it.

The CHAIRMAN, (Mr. POLAND.) To go back one hundred years, and inquire into the condition of other civilized communities, seems to be making a comparison founded upon general historical knowledge; and Congress, it seems to me, has not sent us out upon such an inquiry.

Mr. POOL. Well, I will not press the question. But my idea was, that if this state of affairs is extraordinary and of recent date, there must be some extraordinary cause, and I wanted to get at it.

The CHAIRMAN, (Mr. POLAND.) I think the inquiry ought to be confined to the condition of things in the Southern States. Congress can make the historical comparison as well as the witness or we can.

Mr. POOL. I will not press the inquiry.

Question. Did you ever know or hear of the Union Leagues of which you spoke going in disguise and committing outrages?

Answer. I have not; but I have heard of members of them doing it.

Question. In how many instances?

Answer. I have told you of the one in North Alabama. I have heard of several others where negroes have reported that they were whipped for voting the democratic ticket, and by order of the League. I have heard of such things—numbers of them. I do not know of any such fact within my own knowledge.

Question. Do you know whether there have been any Leagues in Alabama since the presidential election?

Answer. I do not know that there have been any Leagues there since the presidential election; but I do know that there have been large meetings of a secret character in the same places where the Leagues were formerly held. I do not know of the existence of the Leagues except as a matter of information. The League was a terrible machine where I lived, according to our understanding of it.

Question. You spoke of the whipping of negro girls by a solicitor. Why did you think that that was for the purpose of manufacturing political capital?

Answer. Because he was represented to be a bold and bad fanatic, who was engaged in that sort of work. That is why I attribute it to that cause.

Question. Was he disguised?

Answer. They say that he was.

Question. Were any persons with him?

Answer. No one was with him.

Question. Then he did this act as a single individual?

Answer. A single individual.

Question. Have you ever heard of these disguised organizations carrying on their operations by only one man?

Answer. Yes, sir; I have heard of one case; and it is one of the worst cases that I ever heard of. I have no idea that there was any organization about it; but the killing of Frank Diggs, the negro who was connected with the mail on the Selma and Meridian Railroad—a man of good character, a man whom the white people trusted—was done by a man in disguise; and it is generally believed that it was simply the act of a terribly mean and malicious boy whom this man had prosecuted.

Question. Was there any person acting in concert with him?

Answer. Nobody was seen; and I have no idea in the world that there was any one connected with him.

Question. Was it done in a crowd?

Answer. Yes, sir.

Question. Had the boy a disguise on?

Answer. Yes, sir.

Question. Did he escape?

Answer. He escaped.

Question. Did no man arrest him?

Answer. No man could arrest him. He was on the wayside. It was at a place in the woods where the cars stopped for a supply of wood. While the cars stopped there and wooded, as I am informed, this man, Frank Diggs, was standing at his place somewhere about the mail-car. Some noise was made that attracted his attention. He stepped to the door just as the cars were moving off, and a man stepped up in disguise within a few yards of him, shot him, and ran off into the woods. That was about the whole of that transaction.

Question. Did any one suppose that that was a crime committed by an organization?

Answer. O, yes, sir; it has been charged all over the country that it was a terrible "Ku-Klux outrage;" and I will say that for the purpose of making political capital it is the general habit to charge every such thing as a "Ku-Klux outrage."

Question. Is it charged that it was done in pursuance of an order from an organization?

Answer. O, yes; that is the general charge made in our section of the country by our enemies—men who desire to slander us and make us appear as mean as they can. An act like that—the act of a bad, malicious, vindictive boy committing a murder—is charged on the whole community by our enemies, and I think simply for the purpose of making political capital; for this very occurrence was charged in the newspapers of the town where I live as being the result of a combination of the community to deprive this man, Frank Diggs, of the office he held.

Question. Was the boy ever arrested?

Answer. No, sir.

Question. Has he ever been found out?

Answer. He has never been found out. The one whom we supposed to be the criminal has never been seen since. That is another reason why we believe him to be the assassin.

Question. He has left the community?

Answer. Yes, sir; he ran off. He has been searched for very diligently; and I have no doubt he has been indicted for the murder, though I do not know the fact. There is no means of knowing in my State, legally, whether an indictment has been found or not, until the party is arrested. The indictment is not a matter of record until the arrest of the party.

Question. Of how many cases of outrage in the State of Alabama by men in disguise have you any reliable information? Can you approximate to the number?

Answer. Well, sir, I should suppose twelve or fifteen.

Question. Twelve or fifteen in the whole State?

Answer. Yes, sir, in the whole State, by various parties, white and black, all put together. I am speaking of those I have any information about.

Question. You mean those you have heard of from reliable sources?

Answer. Yes, sir; upon such statements as I would give credence to ordinarily.

Question. Do you think that any act of the United States Government of which you have complained has any connection whatever with those twelve or fifteen cases?

Answer. Well, sir, I would not like to take the responsibility of tracing them to any act of the United States. I think they are the result of a terrible war that has left in society at the South a very bad element, and has thrown in upon us an equally vicious element as a governing power.

Question. Supposing the acts of the Government of the United States to have been so obnoxious to the people there as you describe them to be, and that these bad elements following the war existed in your midst, or came down among you, is not the result of only some fifteen of these acts of violence rather insignificant?

Answer. I do not know that I understand the question.

Question. Taking in view the legislation of which you complain so bitterly, and the fact that after a protracted and desperate war a crowd of lawless men was turned loose among you, and another crowd of vicious men came down there, is it not rather an insignificant result that there should be only some fifteen of these outrages in the whole State?

Answer. I have no idea but that there have been a great many more cases; but I do not know anything of them. But it does appear marvelous that order has been preserved in my country as well as it has been. It has been preserved by force of the stern will of the public. It is preserved in certain neighborhoods by the will of one man. I am satisfied it has been preserved in my county by the will of the people, and not by the law. My opinion is that law can never be efficiently administered in any republican government except by the will of the people themselves.

Question. When you speak of the people, do you mean the white people, or both colored and white?

Answer. I mean the governing people, no matter who they are, white or black.

Question. Do not all the people of Alabama now vote?

Answer. Yes, sir; they all have a right to vote. I mean to say there is no distinction. Every citizen of a certain sort and within defined limits has the right to vote—substantially every citizen over twenty-one years of age, and who has not been convicted of certain crimes.

Question. You mean that no man is disfranchised from the use of the ballot?

Answer. Except for crime; that was not so by the constitution of our State as originally framed, and as Congress forced it upon us. It is so, in my opinion, by the will of the black people themselves; and the governing reason why it is so, is what I have stated.

Question. Did not your legislature at its very first session take advantage of the

provision of the constitution which allowed them to remove that disability, and remove it?

Answer. Yes, sir; they removed it.

Question. At once?

Answer. Yes, sir; at the demand of the republican party, and it would, in my opinion, be done to-morrow throughout the United States, if the colored men in my State had control of the question.

Question. Do you mean to say that the colored people of Alabama are in favor of general amnesty?

Answer. Without any doubt in the world. The reason why some men oppose it, is simply for their own individual ends. The member of Congress from my district is a colored man—a man of brains and will; and he is very decidedly in favor of the removal of disabilities, if he could have his way; and I have no doubt he will try to have it, because he is a man of will.

By the CHAIRMAN, (Mr. POLAND:)

Question. He or somebody else carried a majority of the House with him.

Answer. Yes, sir; we have been laboring and toiling so long under these troubles that I am afraid we are not so charitable as we ought to be, when action so decided in one House is so little regarded in the other by members of the same political party. I am afraid we are sometimes not so thankful as we ought to be for the favors we do get.

Question. Did the white people of Alabama, before the reconstruction policy of Congress went into effect there, allow the colored men to testify in the courts? I mean was it done by the State before that time?

Answer. Yes, sir; it was done by the first legislature which assembled after the war; that body allowed the colored people to testify in courts of justice in all cases in which a colored man had any interest; but the right was qualified; it was not given in the universal form in which it is enjoyed by white men.

Question. What was the restriction?

Answer. There was no restriction; this was an enlargement, and the enlargement was to the extent I speak of. By the law, as it existed before the war, a negro was not a competent witness in a court of justice in any case in which he was to testify against a white man. He was received as a witness where any man of his own color was on trial.

Question. You mean in a State case?

Answer. Of course. The slaves had no civil suits in our courts then. The first legislature after the war provided that in all cases in which a negro was a party it should be no objection to any witness that he was of mixed blood or a negro. In other words, such persons were allowed to testify in cases in which black men had any interest.

Question. Were they allowed to sit upon a jury under any circumstances?

Answer. It was not so ordered by the law. But they did sit upon the juries.

Question. Before reconstruction?

Answer. Yes, sir. They sat upon juries by order of the military.

Question. Was that before reconstruction?

Answer. It is hard to know where reconstruction began.

Question. Was it before the passage of the reconstruction acts?

Answer. It was before that.

Question. Did the white people of Alabama, when they had control of the State, allow negroes to sit on juries at all?

Answer. They never did prior to the adoption of the present constitution of the State.

Question. If they had control of the State now, do you suppose they would suffer negroes to sit on juries?

Answer. Without any doubt in the world, so far as I am advised.

Question. Do you think that they would allow them to testify in the courts without restriction?

Answer. I have no doubt of it—without any restriction whatever.

Question. Would they allow them to vote at the ballot-box?

Answer. Yes, sir; I think they would allow them to vote. But there would be a hard fight between those in favor of universal voting and those in favor of a qualified suffrage. My opinion is that there would be an effort to impose some restrictions, but that the imposition of restrictions would not ultimately be made; for this reason: It could not be made except by a general law applying to all classes; and although I never was a politician, or engaged in any political work myself, I have observed politicians enough to know that it takes a man of very great nerve—more than we ordinarily find in this country—to impose any property or educational qualification on white voters: consequently, as the qualification would have to apply to white voters as well as black, it would not, in all probability, be made.

Question. Would they allow negroes to hold office?

Answer. I have no doubt they would.

Question. You think they would?

Answer. Yes, sir; I think they would allow them to hold such offices as they could get.

Question. Then what is the complaint of the people of Alabama in regard to the reconstruction policyof Congress as it is now in force?

Answer. That the government was imposed on us without our consent.

Question. I am not speaking of the origin of the government. Leaving that out, what is the objection to it now?

Answer. Well, sir, we never leave that out. An American never can and never will leave out of view the fact that a government is imposed on him entirely without his consent, and that the officers under it are elected without his consent.

Question. Then you do not complain so much of the policy itself as of the manner in which it was put upon you?

Answer. The manner in which it was put upon us was the great thing, of course, so far as our objection is concerned. We think it was put upon us in utter defiance of any rule of law. We submitted to the military. We never questioned a military order at all; and we never complained to any great extent. But we do not believe that under our form of government there is any human agency that can make a constitution for a State other than the people of the State.

Question. Do you think that if that constitution were now withdrawn, and you were allowed to fix up matters for yourselves, the white people of the State would allow negroes to testify in the courts, to sit on juries, to vote at the ballot-box, and to hold office?

Answer. Yes, sir; I believe all those privileges would be accorded to the negro ultimately. I have no idea that there will come a time during the present form of this Government in which there will be any restriction on suffrage in any part of the United States so far as it is now enjoyed. Republican governments never go backward into any conservative restrictions. They go forward sometimes into the wildest forms of democracy.

Question. Then the manner in which this constitution was imposed upon you is the main cause of complaint?

Answer. I never said that.

Question. It was one of the main causes?

Answer. I have said it was one of the causes, and a very considerable cause.

Question. How long will it be before the people of Alabama will cease to complain of that?

Answer. As at present existing, never.

Question. I mean the manner in which the constitution was imposed?

Answer. Never.

Question. Then there is no remedy for the evil effect which that act has, in your judgment, produced?

Answer. To some extent, there is a remedy. The only remedy I know, so far, is either to send officers there and force us to obedience, or to restore to the State its equal rights with the other States. The Constitution as it now exists is not the truth. We are represented as a system of confederated equal States. It is not the truth in my part of the country. We are not equal, and we never shall be satisfied until we are equal.

Question. That is, you are not equal because your constitution was imposed upon you without your consent?

Answer. Yes, sir; it was imposed upon us without our consent. Not only that, but we were deprived of the brain-power of the State in making our constitution.

Question. What, in your opinion, would be the remedy for the evil produced by that state of feeling in Alabama? How can this Government remedy it? By submitting the constitution again?

Answer. O, no. We do not want to go back into anarchy. It has been represented that we are in favor of tearing up that constitution by the roots, upsetting our government, and declaring everything null and void from the beginning. But outside of our supreme court, I have seen no indications of that spirit of tearing up things by the roots. We wish to be accorded the right to have a constitution modeled according to the will of the people, allowing the present constitution and government to stand just so long as the people do not choose to alter it—recognizing it and submitting to it, although we know, as a people, and know as lawyers, that it is not an enactment in any constitutional form. At least that is our opinion; and I have never seen a lawyer in my life who would give an opinion to the contrary. I have seen politicians who would speak otherwise; but I have never heard any lawyer, North or South, who, giving his opinion as a lawyer, would say differently.

Question. Your present constitution provides that the vote for governor, as well as perhaps some other State officers, may be canvassed as provided by law. When there was a controversy between Governor Smith and Governor Lindsay, the vote was counted by the legislature in violation of an injunction from some court?

Answer. Yes, sir; but I imagine that the chairman of this committee would smile at the idea of a court enjoining a legislature. It is a thing I have never read of in any law book.

Question. Who are the judges of your supreme court?

Answer. Judge E. Woolsey Peck——

Question. Was he ever on the bench before?

Answer. Yes, sir; he was on the bench before. He is a man of very decided learning, and of very high character. He is an old and feeble man, but, as I believe, a man of earnest purpose to do right. He is very bitter in some of his prejudices, but is an earnest, honest man.

Question. Has he great knowledge of the law?

Answer. He has had great knowledge of law, but he is now, I should suppose, some seventy years of age, and very feeble.

Question. Was he on your supreme court before the war?

Answer. No, sir.

Question. Was he on the bench at all before the war?

Answer. Yes, sir.

Question. Name another judge of your supreme court?

Answer. Thomas M. Peters.

Question. What sort of a man is he?

The CHAIRMAN, (Mr. POLAND.) What is the object of this line of examination?

Mr. POOL. My object is to come to the point with regard to this injunction which I understand was granted by the supreme court, and I wish to inquire afterward as to the reason why the legislature did not provide for canvassing this vote.

Answer. The supreme court never granted the injunction. It was issued by a judge of the supreme court.

Question. Which judge?

Answer. Judge Saffold.

Question. I thought it was issued by the whole bench?

Answer. O, no, sir; it never could have issued from the whole bench.

By the CHAIRMAN, (Mr. POLAND:)

Question. It was issued by Judge Saffold as chancellor?

Answer. Well, all the judges exercise the chancery power of granting an injunction returnable in the chancery court.

Question. Each judge is a chancellor?

Answer. Yes, sir; *pro hac vice.* That injunction was granted by a young man who is on the supreme court bench—a man of good brain, who was a man of large fortune before the war.

By Mr. POOL:

Question. Did not the question come before your supreme court at all?

Answer. It never did.

Question. Can you tell why the legislature did not provide by law for the proper canvassing of that vote, so that both parties might be heard?

Answer. The constitution provides that in reference to certain officers, including the governor, elections may be contested in such manner as is provided by law. The contest is to be carried on in the legislature itself, in joint convention; and there is no manner necessary to be prescribed by law, except mere rules. The contest could have been made just as well in the present shape of the law, as it ever could after provision had been made by law. The application could have been made to the legislature; the documents could have been submitted; a joint convention could have been had, and rules could have been prescribed. Nothing but rules have to be prescribed, because the legislature, in this matter, is supreme; the joint convention of the legislature can make the law as they go on. It is the legislative body that is the judge. The objection that there was no form prescribed by law was simply an excuse for a thing that was attempted to be done illegally. That is all.

Question. I understand that the supreme court judge who granted the injunction intended it to be temporary, until the legislature could provide by law, as the constitution required, for the canvassing of the vote. That is the suggestion which has been made here.

Answer. Well, sir, I don't know what the judge meant; I only know that he enjoined the legislature, or rather the president of the senate, from counting the votes; and that was the excuse—that the legislature had not provided the rules by which the contest could be made when, in fact, the legislature was the court in which the contest was to be tried. I never saw any foundation for any such excuse, and I do not believe in law there is any foundation. I think that Congress, when it has to try any such question, can make the rules by which to try it, unless provision has been made in the matter by superior authority.

Question. Do you know whether there is, in the State of Alabama, any organization of men whose object is to resist the reconstruction policy of Congress, by influencing the votes especially of colored men at the ballot-box; that is, by nullifying by local violence the exercise of suffrage?

Answer. I do not believe any such society exists or ever did exist in that State.

Question. Do you know of any secret political organization in that State at all, other than Union League?

Answer. I know of combinations of these men, of whom I have already spoken; I know it from information; and I have no doubt they exist; but I do not believe they have any political purposes. I believe the Union League had for its main object a political purpose, and that it was prostituted to worse purposes.

Question. You do not believe there is any counter-organization of a political character in the State?

Answer. There is a political organization of the democrats.

Question. I mean a secret political organization.

Answer. No, sir; I have never heard of any such thing; I do not believe any such thing ever existed.

Question. In any portion of the State of Alabama?

Answer. No, sir; in no portion of the State.

Question. You do not think that any outrage has been committed by men in disguise, for the purpose of influencing voters, or intimidating them, prior to an election?

Answer. I do not believe it.

Question. You do not believe that it has been done, in any instance, in your State?

Answer. No, sir. I believe that acts of violence have been perpetrated by men, for malicious purposes of their own, or for the purpose of executing what they pretended was the law, on supposed criminals.

Question. Does this character of violence of which we are speaking produce any state of intimidation, which keeps men from voting, or makes them vote otherwise than they would desire to vote?

Answer. I have never seen or known any indications of it. The condition of things in West Alabama—the great falling off of the vote there—was much spoken of by the republican press in our country, and also by the republican leaders. That was one of the grounds alleged, I think, in the bill which Governor Smith filed for this injunction—that there had been that sort of intimidation; but I never heard anything of it; and I inquired particularly in reference to that matter. I have no doubt that that violence in Eutaw did have an effect both ways. It had an effect to lose the democrats a portion of the negro vote; and it also had an effect toward intimidating the negroes; it must have had some such effect. I have no doubt it operated in both ways.

Question. The violence at Eutaw was by a mob; there was no disguise about that?

Answer. No, sir; that was a mere mob on both sides; it was a mob fighting a mob.

Question. You have no information of any terrorism or alarm on the part of the colored men in any portion of the State that would be calculated to deter them from exercising the elective franchise?

Answer. I know great numbers of instances where colored men have been deterred by colored men. It is the common habit of the country for them to require men of their own color to vote with them.

Question. But you know of no instance of a condition of intimidation and terrorism among the colored people on account of these disguised marauders?

Answer. I do not know of any such thing, and I do not believe it exists in any part of the State. I believe these bad combinations exist, but not for any such purpose. I have not seen any indication of it at all.

Question. Is there among any class of the people there a general dread of these combinations?

Answer. O, yes, sir.

Question. Is that dread confined principally to the colored people?

Answer. Yes, sir; it prevails principally among the colored people.

Question. Does that dread extend to democrats?

Answer. Yes, sir. There have been a good many cases of men being "Ku-Kluxed," as we call it, by the Ku-Klux. In other words, in all such organizations, as the history of the world shows, bad men cannot carry on their purposes in combination without falling out among themselves. No doubt there are instances of that sort—of their committing all sorts of depredations on themselves.

Question. On each other?

Answer. O, yes, sir; on each other.

Question. Have you heard of any instance of that kind?

Answer. I have heard that that was the case in one or two instances in West Alabama—in Pickens and Sumter Counties. So far as the particular locality where I live is concerned, I am satisfied that there never was any secret organization of any kind since the war except the Loyal League. I mean any secret combination in the particular locality. I am not speaking of the State now; I am speaking of my county. I am satisfied that such secret combinations never existed there; there never were any manifestations of it.

Question. Did any individual ever admit to you, or intimate to you, so that you understood it, that he was a member of any such organization?

Answer. Never in the world. I never heard a man intimate any such thing.

Question. Do you believe that any good, respectable men—men of standing and of reputation—men of substance—have belonged within the last twelve months to any such organization in your State?

Answer. Well, sir, I cannot say. I never have known any one of them. I cannot draw the distinction in my mind. Whether they have been men of reputation or not, they have been doing very bad acts; and for that reason I would hope that no man of reputation was concerned; but, as to whether there were or were not such men engaged in it, it would be a matter of the veriest conjecture if I should undertake to speak upon that point.

Question. Have there been any public meetings of the white citizens of that country to denounce these acts so as to bring public odium to bear against them?

Answer. Well, sir, they have been denounced in the meetings of the white people there. I do not remember any meetings called specially for that purpose, but I have seen them denounced in the very strongest terms by public acts and public meetings.

Question. By resolutions passed?

Answer. O, yes, sir; by resolutions passed.

Question. In what particular county?

Answer. In Dallas County, I remember to have seen things of that sort. They did not call these men by the name of Ku-Klux, which you use here; but they spoke of lawless acts committed by combinations of men, and they denounced them in the most unmeasured terms.

Question. Did they refer to these acts committed by disguised men?

Answer. They did not refer to those specially, because, when men commit these terrible acts of outrage, we cannot see the distinction as to whether they are disguised or not. I do not see any distinction upon that ground in the nature or the danger of the crime.

Question. Are not crimes more dangerous when committed by an organization in disguise than when done by a single individual not disguised?

Answer. O, yes; but where men combine together to commit these great outrages, I do not know that the mere disguise does any harm.

Question. Does not the disguise enable them to evade the law?

Answer. It helps them to do it; but they can and do provide other means of doing it. They commit great crimes, and escape punishment by combination. The people of Alabama, except this bad element, are just as much opposed to real criminals—to the men who have committed these very offenses of which we are speaking, whether they be white people or black—as any other community on earth. Of course, the men themselves do not want to be punished.

Question. What course have the newspapers in your State pursued in regard to these matters? Have any class of newspapers offered any suggestions in palliation of these outrages?

Answer. Yes, sir; some newspapers have offered suggestions in palliation.

Question. What were those suggestions?

Answer. They gave various excuses. When one of these terrible outrages has been committed, I have seen a sort of palliation given on the ground of some offense that the victim was supposed to have committed. For instance, I remember to have seen a report of a man being hanged who had committed a rape; and the enormity of the rape was paraded as some extenuation for hanging him.

Question. Have any other palliations been given, or have there been palliations in any other cases than that?

Answer. Yes, sir.

Question. By the public press?

Answer. I am satisfied it has been done by some newspapers.

Question. State the character of the palliating circumstances brought forward or alleged.

Answer. They have been of the sort I have named, whenever I have seen any palliation at all. I have seen a great many articles denouncing these things as being without the possibility of palliation, even if the facts alleged as excuses did exist.

Question. But you have seen in some cases palliations in newspapers?

Answer. O, yes, certainly I have.

Question. You mentioned, as one of the palliating circumstances which had been given, the fact that a crime was alleged to have been committed by the individual upon whom the outrage was perpetrated?

Answer. Yes, sir.

Question. Can you name any other palliation which has been offered.

Answer. I do not remember now any other.

Question. Did you ever see it urged in newspapers as a palliation that there were Leagues in existence?

Answer. I never heard that given as an excuse for any such crime.

Question. Did you ever hear mentioned, in any such connection as implied it was intended as a palliation, the fact that there was corruption in your State government, or that your county officers were not what they should be?

Answer. I have seen such an attempt at justification or palliation—a suggestion that

if the alleged criminals had been brought before the courts they would have been allowed to escape.

Question. Have you ever heard any action of the United States Government since the war urged as a palliation?

Answer. I don't think I ever did.

Question. What is the politics of the papers that generally urge these palliations?

Answer. They are of both politics.

Question. Do they represent both parties?

Answer. Yes, sir; my experience is that with some exceptions the papers on both sides excuse the crimes committed or supposed to have been committed by their members whenever they can have any political effect, whether the papers be democratic or republican. There are a considerable number of exceptions to that rule, but that is the general rule. Where a fact will tend to damage the party the party newspapers do not want it to go out without some excuse. That applies generally, so far as I know, to mere political organizations. There are, however, editors, and I hope a considerable number of them, who elevate themselves above such things.

By Mr. COBURN:

Question. You said something about the people in your State being degraded and treated as inferiors. How should they have been treated, in your opinion? What treatment would have satisfied them after the war was over?

Answer. Well, sir, if the United States had treated the people of the Southern States according to the contract made with them at the time they surrendered their arms, and had made no distinctions in the law between men of different sections except on account of the crimes of which they may have been convicted, I believe, candidly, that there would not have been one particle of political murmur in my country; I believe that we would scarcely have known the distinction between the democratic and the republican party.

Question. Do you mean to suggest that no distinctions should have been applied to the people of the South who had been in rebellion; that they should have been at once admitted to all political rights and privileges without any conditions whatever?

Answer. We thought that as you averred we were traitors, we ought to have been tried for treason by a jury, or we ought to have been entirely exempted from any punishment.

Question. And that there should have been no altered condition as to the political rights of anybody in those States that had been in rebellion?

Answer. I do not believe there ought to have been any. So far as slavery is concerned, it, of course, was abolished by the war.

Question. You said something about a contract. Do the people down there pretend to say and believe that there was any contract made at the time to which you refer?

Answer. Without doubt there was a contract.

Question. Was that a contract?

Answer. Undoubtedly.

Question. How long do you suppose your people could have carried on the war if they had undertaken to continue it?

Answer. It could have been carried on, in all probability, for twenty years.

Question. After the surrender of Lee?

Answer. Yes, sir.

Question. And the surrender of Johnston?

Answer. O, yes, sir. Johnston had an open country in his rear. The war could have been carried on for years. Of course, it would have been a desultory, guerrilla warfare.

Question. You do not understand the surrender to have been an unconditional surrender?

Answer. Of course if the United States mean anything by promises, it was not an unconditional surrender. If the word of the general commanding the army in the field, sanctioned by the President, means anything, it was not an unconditional surrender.

Question. You consider the parole of a prisoner who is already captured as a part of the condition of surrender?

Answer. We were not captured. The parole was agreed upon before our arms were surrendered.

Question. That is the point of law, then, that your people make in relation to that matter?

Answer. O, no; they do not make it as a point of law; they make it as a point of common honesty in the dealing of a nation toward its people.

Question. You say that the people of Alabama have a hostility against the Government and against the administration. How far does that hostility go? I want to know the extent of it.

Answer. It goes to this extent: we feel that we are living under the condemnation of the law, and that we are so living by the judgment of the legislative branch of the

Government, which has no power to pass such judgments. We have a feeling of very great dislike toward that form of government.

Question. Then you mean to say that it is not a mere ordinary political difference?

Answer. O, no, sir; it is not a political difference. This question rises greatly above any political question. It is not a political question.

Question. Then, if you do not consider it a political difference, how do you propose to act in reference to that hostility to the Government?

Answer. We do not propose to act at all, except to endure it as long as we can; that is all.

Question. Do you mean to say that you expect to endure it only up to the time when you get power to overthrow and destroy it?

Answer. No, sir; I do not mean to say that, because I can see no possible contingency in the future when there would be any sense in questioning the authority of the Government of the United States. Therefore I say there is no intention on the part of our people to undertake to overthrow the authority of the United States.

Question. When you talk about the people of Alabama, do you mean all the people of Alabama, or do you mean only the democratic party?

Answer. I mean the white people of Alabama, without distinction of party.

Question. When you talk about the people of Alabama being degraded, and treated as inferiors, you do not mean to say that the colored people have been degraded and treated as inferiors?

Answer. No, sir; I do not mean to say that. But there are a large number of colored men in Alabama, who cannot honestly hold Federal office—a very large number. In that sense they are degraded. It is not in what we suffer actually that we are degraded. It is the intention of the party to degrade us; that is the crime that we complain of.

Question. After the Union men of the country had contended four years for the life of the nation against every effort of a portion of the southern people, do you not think there would naturally and reasonably be a distrust in their minds in relation to endowing at once with political rights the enemies whom they had been opposing?

Answer. I do not believe any such distrust exists.

Question. Do you not think it is in human nature to entertain such distrust?

Answer. I do not believe it exists. I believe it is a mere pretext for carrying on the war after the war has terminated, and that merely for party purposes. I do not believe any educated, sensible man thinks there is a shadow of danger of any rebellion at the South. I do not believe that one educated, intelligent man in any part of the United States has any such belief.

Question. But, aside from a rebellion, might it not be unsafe to intrust people under those circumstances with full political power? Is not that a point which you concede?

Answer. Yes; it certainly would be unsafe politically, because we would make great changes in that respect, and I hope we would make them for the better. It would be unsafe to the party in power; there is no doubt about that; but I think it would be perfectly safe to the Government.

Question. Might it not be unsafe to the Government to intrust political power in the hands of men who had been attempting for four years, by every effort, to destroy that Government?

Answer. That question goes back to the point I was stating; and that is, that the party in power undertake, through the legislative authority of the Government, to pass judical sentence on the people of our country, to the effect that they are degraded, and unworthy to be trusted; and we think they pass that sentence merely for political purposes.

Question. You spoke of stringent laws passed, for fear of interference by democrats with colored voters. Was there no such danger?

Answer. I cannot say that there was not; we never tried it; and I do not know whether there was or not.

Question. Were there not at that time very many men who were violent and overbearing in their treatment of the negroes?

Answer. I cannot say that there were very many; I know there were some.

Question. Would it not be natural for the white men who had been the masters of these very colored men to treat them with more rudeness and violence, and a greater disregard of their rights, than they would treat white men?

Answer. No, sir; it would not have been natural at all.

Question. Not if they differed with them in political opinion?

Answer. No, sir; it would not be natural at all. The fact is, that where I live the former masters of the negroes are more indulgent to them in respect to their misdoings and their crimes than any other class of the community.

Question. What other class is not so indulgent?

Answer. There are two classes.

Question. Tell me one of them.

Answer. Especially the northern men, who have come down there without character,

and obtained control of plantations. They are one class of men whom the negro fears more than anybody else.

Question. Why does the negro fear them?

Answer. Because of their cruelty and hardness.

Question. Will they not allow him his political rights?

Answer. O, yes; every one of them, because the negro votes for their party.

Question. Then the negroes are not afraid of those northern men interfering with elections?

Answer. O, no, sir.

Question. Then the law in reference to elections was not made to guard against them?

Answer. No, sir.

Question. Whom was that stringent law intended to guard against?

Answer. My opinion has been, on a fair judgment of the whole law, that it was framed for the purpose of preventing the democrats from seeing into how the polls were managed, and the votes counted, and to deprive them of the opportunity of objecting to persons giving in their votes. The legislature no doubt thought there would be attempts at intimidation on the part of the white people; that was one of the reasons. But the main purpose, as it seemed to me, (and I think a fair judgment of the law will sustain that conclusion,) was to prevent any sort of interference with the election, either for the purpose of intimidation, or for the purpose of investigation.

Question. You said that at the polls the republicans made some kind of passage-way—a chute or something of that kind—through which voters had to pass to the polls?

Answer. I said the negroes did that.

Question. Were they democratic negroes or republican negroes?

Answer. Republican negroes.

Question. Do you not know that such structures by which men pass to the polls are very common all over the country?

Answer. No, sir; I never saw any such thing in my life before the introduction of the republican party into Alabama.

Question. Where are these structures?

Answer. They are around the polls. The thing I speak of is not a lane going up to the polls. I have seen such a thing as that, to prevent men who are waiting with their ballots from pressing forward, and getting ahead of one another. This is not anything of that sort.

Question. How far is this from the polls?

Answer. I think the law requires that anything of this kind shall be forty feet or forty steps away from the polls.

Question. Do you say that the law requires these chutes?

Answer. O, no, sir; but it keeps them off that distance.

Question. You describe this as a place voters have to go through. What is it?

Answer. It is nothing but a gate.

Question. Where is the gate?

Answer. I have generally seen it at the court-house fence.

Question. Cannot voters go around the gate?

Answer. They are not allowed to do it.

Question. How are they prevented?

Answer. By the assemblage of a multitude of negroes.

Question. Cannot a man get over the fence?

Answer. He could, if he chose to do so by force, or chose to make a personal point of it.

Question. What force would prevent him from getting over the fence?

Answer. He could demand his rights, and if anybody got in his way, tell them to get out.

Question. Did you ever know a single instance in which a ticket was taken from a negro, and he compelled to vote another ticket, contrary to his will?

Answer. I never did; but I have seen many instances where the ticket was taken from a negro voter and changed.

Question. Can these negro voters all read their tickets?

Answer. Not one-third of them.

Question. Do not the vast majority of those negroes ardently desire to vote the republican ticket?

Answer. I believe that a very large majority do desire to vote the republican ticket.

Question. How many desire to vote the democratic ticket?

Answer. I cannot state that with any accuracy.

Question. Do you believe there are more than a very few?

Answer. O, yes, there is a large number in my section of the country.

Question. What proportion?

Answer. A considerable portion. In my county we have from seven thousand to eight thousand negro voters, and something like two thousand white voters. I give

an approximation to the figures, with no particular accuracy. Well, I have seen as many as one hundred at one little town vote the democratic ticket square out, publicly, and without any sort of intimidation.

Question. What democratic ticket; the ticket for President?

Answer. O, no, it was a local election.

Question. But when it comes to general politics, are there many negroes who vote the democratic ticket?

Answer. I have no doubt that there will be a large number.

Question. How many do you call a large number; one-fifth, one-tenth, or one-twentieth?

Answer. I think there will be fully one-tenth in my State—probably considerably more. As the negroes become educated and think for themselves, they divide off between political parties, just as white men do.

Question. You spoke of there being intimidation of black men by black men as to voting. Have you not heard that in certain counties in your State black men are prevented from voting by the democrats?

Answer. I never heard of such a thing.

Question. Have you not heard of it in the northwestern part of the State?

Answer. I have never heard of any such thing in any shape or form, except perhaps in reference to a county called Winston.

Question. Where is Winston?

Answer. In the northern middle part of the State. It is the third county from the Tennessee line.

By Mr. BLAIR:

Question. It was not the democrats who prevented the negroes from voting there?

Answer. I do not know who prevented them from voting; but the people there, as I understood, were unwilling that the negroes should live there, and would not let them vote or do scarcely anything else.

Question. Do not the white people of that county vote the republican ticket?

Answer. My remembrance is that it is about equally divided, the republicans having a small majority, and probably both parties uniting on this view.

By Mr. COBURN:

Question. Have you any knowledge with reference to the State of Alabama generally which will justify you in making a certain and general statement as to this matter?

Answer. What matter?

Question. Whether there are not many places in the State where the negroes are by intimidation prevented almost entirely from voting?

Answer. I do not believe in the existence of any such intimidation in any considerable part of the State. I have had no information of any such intimidation in any part of the State, except in the county of Winston.

Question. You spoke about the tax of five cents a pound on cotton. Did you mean to say that the Government has unjustly taken any other property than that? If so, to what do you refer—to slaves?

Answer. O, no, sir; slavery was abolished by the war.

Question. Did you mean to say that any other property was unjustly taken from them than the five cents a pound on cotton?

Answer. I do not think that the Government of the United States, so far as I now recollect, has taken any other property by anything that appeared to be the intention of the Government. Property has been taken in large quantities by officers of the Government; but my impression is that they acted beyond the intention of the law and without legal authority.

WASHINGTON, D. C., *July* 6, 1871.

Hon. JAMES L. PUGH sworn and examined.

The CHAIRMAN, (Mr. POLAND:) This witness, having been summoned at the request of the minority of the committee, will be first examined by some member of the minority.

By Mr. BLAIR:

Question. Where do you live?

Answer. In Eufaula, Barbour County, Alabama.

Question. How long have you lived in Alabama?

Answer. About forty-seven years; thirty-seven years in the place where I now reside; and the whole time within fifty miles of Eufaula.

Question. What public positions have you held in the State?

Answer. Well, sir, I have been on two Presidential electoral tickets. In 1859 and

1860 I represented that district in the Congress of the United States. I represented the same district four years in the confederate congress. I have never held any State office.

Question. I have asked these questions in order to ascertain your facilities for knowing the present condition of the State with regard to the security of life and property, and the enforcement of the law. Give the committee, if you please, a statement in regard to that matter, as full as you may see proper.

Answer. Well, sir, so far as my personal knowledge of facts and personal observation are concerned, I am satisfied that there are no people anywhere in the United States who are more loyal to the Government, and who favor more the full execution of the laws, both State and Federal, than the people where I reside. I never have heard of any interference with freedom of speech. I have never heard of any outrage upon the person and property of any individual, white or black, that could be traced to any political causes, or to hostility between the races. I have practiced law where I now live for thirty years. I have mingled with the people socially, politically, and in my profession; and I do not think I can be mistaken when I say that they are law-abiding and orderly—as much so as any people anywhere. The republican candidates and speakers have been through my part of the State in many elections. They have always addressed the people in my town without any interruption, and without any personal indignities, so far as I know or have heard. I have discussed these questions with the candidates myself. In the last election Mr. Morse, who ran for the office of attorney general, agreed with me upon terms of discussion. He gave me one hour and a half to open, and he concluded without limit. There were two or three thousand persons present; and I never saw people more orderly or respectful. I have been canvassing that county and district for a good many years. I have been in many elections, and I am perfectly satisfied that there have been fewer outbreaks, fewer fights, and less bitterness manifested, less apprehension of trouble on election days, than there was before the war. I do not think there can be found a witness who would establish any facts that would interfere with the truth of that statement or the correctness of that opinion.

Question. Do you practice law?

Answer. Yes, sir.

Question. In how many counties?

Answer. There are about six counties in my circuit.

Question. And what you say is applicable especially to those counties?

Answer. Yes, sir. There are two of the counties whose courts I have not been in within two years. My practice is confined pretty much to my own county, and the county below me on the Chattahoochee River. I go to the others occasionally, but I have not attended court in Pike and Coffee Counties for two years. We have a city court in Eufaula; and the judge of that court, in his charge to the grand jury, alluded to the general lawlessness in the country, and said something which embraced the county of Barbour. There was a general expression of surprise at it. The grand jury he charged was composed of eighteen members. Six of them were white democrats; one of them a white republican—a nephew of the judge himself; and eleven were colored men who were republicans, selected by the republican officers in the county. That grand jury was in session about eight or ten days, and they made a general presentment at the conclusion of their labors. The substance of it was that they had made diligent examination of white and colored witnesses, and they had found no offense that could be traced to any difference between the races, or to political causes or differences.

Question. Does this judge reside in the county?

Answer. He lives in Barbour County. I think he is a native of the county.

Question. And this was the report of the grand jury in the same court?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did you state when this term of court was?

Answer. I think it adjourned last Saturday week. The charge of the judge was published, and also the presentment of the grand jury.

By Mr. BLAIR:

Question. Was this charge published elsewhere before its delivery?

Answer. No, sir; the first I saw of it was in the State Journal, at Montgomery.

Question. It was published then after its delivery?

Answer. Yes, sir.

By Mr. BECK:

Question. Did the State Journal also publish the report of the grand jury?

Answer. Not that I have seen; I think the presentment was published in the two papers at Eufaula, and I also saw an extract from the presentment in the Montgomery

Advertiser; but I did not notice the journal to see whether it had published the presentment.

By Mr. BLAIR:

Question. Is there in your part of the State, or any part of the State of which you have information, any organization of persons in disguise for the purpose of violating the laws?

Answer. None whatever, to my knowledge. I have knowledge of no fact that would excite even a suspicion in my mind of the existence of such an organization; and I never have had any human being approach me upon the subject, or give me any information, or make any remark from which I could infer that there was any such thing in existence. I never have heard of any act or outrage by any such combination, disguised or otherwise. I understand that in the town of Clayton, where the court-house of Barbour County is located, a negro voted the democratic ticket in the last election; and about ten or more negroes took him out in the night and beat him nearly to death. Some white men heard his cries, and went to his relief—saved his life perhaps. Most of those men, I think, were arrested and indicted; and they pleaded guilty. I was not in court at the time; but there was no doubt about the fact. They were punished for it. That is the only act of interference with the person of any voter or any one else on account of his political acts or opinions.

Question. Did the negroes exercise intimidation generally over those of their own race who desired to vote the democratic ticket?

Answer. Well, sir, there is about one thousand two hundred negro majority in my county. The larger portion of the colored vote is at Eufaula. They carried that box in the last election, I think, by about one thousand two hundred. I did not mix with them much, and did not go to the polls, except to vote. I have not witnessed personally any terrorism; I have not heard of any myself. I have heard persons speak of it. I have heard it said that the negroes were threatened with punishment, perhaps with death, for failing to stand up to their side; that the democratic party were opposed to their voting, and if they got in power they would take away their right to vote, and if they lost the power of voting, they might be put back into slavery. They would talk among each other in that way, and threaten persons with punishment if they voted the democratic ticket. Some negroes on my place have told me that they intended to vote the democratic ticket; but after the election they explained their failure to do so by saying that they were frightened by these threats. I told them that I had no idea that those threats would be executed; that they were in no danger at all. I am satisfied that where there are so many of them together, when they see the mass of black men going that way, they fall in with each other naturally; and I doubt very much whether these threats and this terrorism really had the effect of keeping them from voting the democratic ticket. I never put any confidence in their promises to vote the democratic ticket, because I knew that when they were congregated in the way they are, and when the influences were brought to bear upon them that I knew were operating upon them, there would be very few that would vote the democratic ticket. I am satisfied myself that they have gone in a body for the republican ticket on account of the information they had that the democratic party was opposed to their emancipation, opposed to their exercise of suffrage, and opposed to their education. That has been the burden of the speeches made by the republican candidates to these people. Now, when I made the speech in the last election, to which Morse replied, I advocated universal suffrage. Ever since the emancipation of the slave, I have been in favor of his voting, as an unavoidable incident to his freedom. I was satisfied there would be less evil attending universal suffrage than there would be in an attempt to restrict it, or qualify it, or classify it. I noticed that whenever the handbills of the candidates were out calling the people together, the white people would go to the democratic meetings, and the black people would go to the republican meetings. There was a good deal of surprise that the negroes all went to the republican meetings, and would not attend the democratic meetings. I was satisfied that whenever you call on a man to hear you prove that he ought not to have a right to vote, because he cannot read, or because he has no property, or because he is black, or because he has been a slave, the people who belong to that class will not hear you make that proof. They will not consider the proposition. Whenever yor undertake to qualify suffrage on the basis of property, or intelligence, or color, or former condition, it is an attempt to degrade that class; and if you succeed in it you make them malcontent, and enemies to property and intelligence, and they become fit subjects for demagogues and mischief-makers. The only reason on earth why these negroes would not go to hear democratic speakers was, that they thought and believed that the democrats, or the white people of the South, were opposed to their voting. I have become satisfied that the white people have made a great mistake in not accepting universal suffrage; and I believe that they would have done so if it had not been for the offensive use that was made of negro suffrage by a class of persons who were sent down there to control it in the work of reconstruction. The manner in which that power was exercised by the

negro excited the prejudices of the people against negro suffrage. It was seen that the negro was thrown under the control of the Union Leagues and the Freedmen's Bureau, aided by the military power, and this, in my opinion, unfitted the people of the South to pass upon that question wisely. I think myself that they have become convinced that it was a mistake. There is no insurmountable difficulty in the way of the union of the white and the black people of the South in politics, except that question of suffrage. If the right to vote is conceded to the negro, he will come to hear you prove to him how it ought to be exercised, whom he ought to support for office, and what measures he ought to favor. But you close his ear to you whenever you call upon him to hear you prove that he ought not to have the right to vote. He will follow anybody—carpet-bagger or demagogue, or anybody on earth—who will concede to him that right. I am satisfied that this is the way in which the colored vote has been thrown in a body for the republican party.

Question. Was not the opposition of the democratic party to negro suffrage directed as much against the unconstitutional manner in which it was conferred as against the thing itself?

Answer. Well, sir, as to the purpose for which the vote was given to the negro, my idea was—and I am satisfied it was the common opinion—that the republican party discovered through our press, and from the politicians who would speak at all, that the white vote of the South would not sanction their terms of reconstruction, and they discovered, or thought they discovered, a purpose on the part of the white people of the South to oppose their supremacy as a party; and the ballot was given to the negro for the purpose of enforcing these terms of reconstruction, and for the purpose of reconstructing the State government in such a manner as to secure their ascendency. That purpose for which the ballot was given, coupled with the disfranchisement of the white vote for the same reason, excited the opposition of the white people to the suffrage of the negro—universal suffrage. The opposition to it had its beginning in the use that was made of it when the negroes were first made voters, and when it was seen what sort of men had control of them. The agencies that were brought there and under whose control they were put were seen. They were marched up like so many cattle and cast their votes without knowing the names of their candidates, or anything whatever about the matter. The ballots were printed and put in their hands; and they marched to the polls and deposited them. I have no idea that there are a dozen of them now in my county who can call the names of the candidates. There may be that many who know Mr. Buckley, but the mass of them are remarkably ignorant. Of course they have been in slavery all the time. They were not allowed to own property; they were not allowed to read or write; they were kept in a state of utter ignorance to make them efficient as property. They came out of that state of ignorance, and when the ballot was given to them they knew no more about it than a ten-year-old child.

Question. Is there any hostility among the people of the State of Alabama to the institutions of our country?

Answer. None whatever, that I have ever heard expressed. I do not think there can be found in my region of the State anybody who has any hostility to the Government. The political feeling which is construed into hostility to the Government is a hostility to the Federal administration of the reconstructed State governments by corrupt and inefficient representatives.

Question. It is, then, the maladministration of the Government, both State and Federal, that is the ground of complaint?

Answer. Yes, sir; the class of men who have come down there to administer the State governments and fill the State offices have produced the discontent and the manifestation of political feeling which are construed into hostility to the Government. I have no idea that, as a mass, the people of Alabama are any more opposed to our form of government, and to the Constitution of the United States—to our political system generally—than the people of Massachusetts, or New York, or Ohio.

Question. The people, then, as I understand, simply dissent, and dissent strongly, from the measures of the administration, but take no exception to the Union or to the form of government?

Answer. None whatever. In my part of the State, before the war, there were more secessionists than in any other portion of Alabama. They were opposed to the Union because they were satisfied the institution of slavery and the Union could not coexist. Their feeling of opposition to the Union before the war was on account of the peril to the institution of slavery in the Union. The destruction of the institution of slavery has, in my judgment, removed all feeling of opposition to a union of the States. I never hear any one express any desire for a dissolution of the Union. I do not think that there is a man of any consideration at all who ever thinks of such a thing for one moment. The discontent that is manifested among the white people is not against remaining in the Union or under the authority of the Government. I myself trace it to the aggressive, unjust legislation of the republican party. We know there are a great many excuses for this legislation. We know that there have been men who have given our people very bad counsel. Many newspapers and public speakers have given

our people unwise counsel, and induced action that has furnished a justification for this hostile legislation; and the great difficulty is that the people of the North do not know the real facts—do not understand the real sentiments and feelings of our people.

Question. If you know any facts or circumstances, or have any information bearing upon the general question of the condition of the State in regard to the security of life and property and the execution of the laws, please state such facts or such information.

Answer. Well, sir, I have been through the State but very little; my information is limited; but so far as I have been able to learn, and to form an opinion upon the subject, I think that the mass of the people of Alabama are well disposed toward the Government, willing that the laws shall be executed; and I do not think there is any ground of apprehension at all. So far as the mass of our people are concerned, they are just as orderly and law-abiding as the people in any other part of the United States.

Question. If the disabilities now imposed upon a large number of the people of your State were removed by Congress, and the State could thereby avail itself of the services of its ablest and best men, would not that remove a great deal of bitterness, and would it not add to the efficiency of the State government in executing the law?

Answer. I have no doubt that that would be the case. The mass of our State officers are generally incompetent; and, so far as I have been able to learn, many of them are dishonest and corrupt. If there is any failure to execute the laws, I am satisfied it is not on account of any opposition from the people. It is to be traced to the inefficiency of the State officers themselves.

Question. The county officers?

Answer. The State and county officers. I have no knowledge at all of the people having thrown any obstacle in the way of the execution of the laws. I do not know of any fact that would induce me to believe that the people are not in favor of a rigid enforcement of the laws. I know it is so in my part of the State.

Question. In regard to the State and county officers, what character of people have they been?

Answer. Well, sir, some of them came down from the North, and some of them lived in the South before the war; but, taking them as a class, I do not think they would be permitted to remain in similar offices in any State of the North by either party. There are some men down there who belong to the class they call "carpet-baggers." In my town there is a postmaster who was sent there by the Freedmen's Bureau. He taught a negro school in Eufaula about two years. He was then appointed postmaster. He is an efficient officer and an honest man. He behaves himself like a gentleman, and is treated like a gentleman; and I have no doubt that if there were a change of parties, a large number of the business men in Eufaula would oppose his removal, although he is an avowed republican. The sheriff of the county, a southern-born man, is a pretty fair officer. But take them as a class, they are inefficient and not fit for the positions they occupy.

Question. Most of the officers, State and county, obtained their positions at the time of the election at which the constitution was rejected?

Answer. Yes, sir; most of the offices are now filled by men who were voted for at the same time that so many of our people failed to vote on the constitution.

Question. And they owe the fact of their being in office to the adoption of that constitution by Congress?

Answer. Yes, sir. I will state as a fact that these offices were filled by these incompetent men because nobody else would run for them at that time.

Question. The opposition relied upon the defeat of the constitution by the failure to vote?

Answer. Yes, sir; that was the main object to be accomplished by failing to vote. The non-action of the whites was intended to defeat the State constitution. They thought that everything would fall with that constitution; that there could be no offices until there was a constitution creating them.

Question. In addition to the character of the men who fill these offices, does not the fact that they were imposed upon the people of the State by Congress give rise to discontent?

Answer. The fact that these offices are filled by such men and the manner in which they discharge their duties constitute the cause of the failure of the execution of the laws, and one of the causes of discontent. But I do not know that the people stop to consider the fact that Congress imposed the State constitution upon us. The popular idea was that we were a conquered people; that we had no right to claim as a matter of right any participation in making the terms of reconstruction—in restoring our relations to the Government. They considered this as the theory of our politics: that the destruction of the confederate government and of the confederate State of Alabama would leave us as a conquered people, living upon conquered territory, and I do not think that we questioned at all the authority of the conquering power to make its terms with us—to define the terms upon which our relations to the Government should

be established. We had not sufficient power to engage in the work of reconstruction with the view to carry out anything we desired. Our will could not be expressed in any legislation that reconstructed us. All we expected was just to leave it to the conqueror to define his own terms, and let him be as just and reasonable as the circumstances would justify. That was the disposition and expectation of our people at the close of the war. President Johnson, as commander of the land and naval forces, as the representative of the military department of the Government, undertook to prescribe the terms of reconstruction. We accepted the terms readily and thought they were a finality. I have no doubt that if the law-making power of the Government had been called together, and terms had been prescribed by all the departments of the Government, they would have been just as readily accepted (if they had not affected the honor of our people) as those prescribed by President Johnson. When Congress repudiated the settlement made by the executive department of the Government, that naturally and almost inevitably threw our people to the support of the President and the settlement made by him; and that necessity which rested upon us was the cause of the legislation that we complained of afterward—the harsh terms which were superadded to those prescribed by President Johnson. I have no doubt our people regarded the death of Mr. Lincoln as a great calamity. I said when I heard it, and I think it was the general impression, that if Mr. Lincoln had lived and had called Congress together, he would have had it in his power to prescribe terms which would have been reasonable, and which our people would have accepted. I think that the controversy between the executive and legislative departments of the Government was the primary source of a great deal of our troubles.

By Mr. BECK:

Question. You have spoken of the incompetency and corruption of the men who have been administering the State government of Alabama. Superadded to the causes you have assigned in your examination by General Blair, was not the fact that those men came to your State and assumed to control your negro population, and to hold and administer the offices so as to put money into their own pockets—to enrich themselves, individually, and not to advance the interests of the Government to which they pretended to be loyal—was not this one of the facts of which the people complained very bitterly?

Answer. Certainly.

Question. Was it not a ground of complaint that the oppressions put upon you did not go to aid the Government, but merely a set of plunderers?

Answer. Yes, sir. The men who came there to represent us were strangers to us. They knew nothing of our feelings or our interests; and we did not see how any man who had proper self-respect could come down there, and, under such circumstances, become the Representative of our people in Congress. The manifest fact that these adventurers came there for personal gain, and the use that was made of their power, contributed very largely to the opposition of our people to the party which these men represent.

Question. In other words, if the means that were taken from you had been applied to the general purposes of the Government, you would not have felt so indignant as you did that your means should be taken for the benefit of private men who themselves had been perhaps mere camp-followers?

Answer. That is the fact, sir. It seems to me that if any honest man will go down there and see for himself what our people see, he can attach no blame to them for any opposition they manifest for this class of people, or any feeling of hostility they have for them. Many of these men pay no attention to the obligations of an oath. They have enriched themselves suddenly by means that satisfy everybody that they must have done it dishonestly. They have used the power of their positions to enrich themselves, and to oppress and harass the people.

Question. Have not that class of men, when complained of, been the men who have raised the cry of "disloyalty" against you more than anybody else?

Answer. Yes, sir; that is one of the causes of complaint; that the republican party will accept the statements of these men who would not be believed as witnesses in any of your courts, and who would not be recognized as gentlemen in society anywhere, or treated with any sort of respect. The complaint is that the republican party accepts the information which comes from this source, and makes it the basis of legislation against our whole people.

Question. Is it not known to your people that in very many instances those complaints are made by those very men to cover up their own villainies?

Answer. That is the general impression, that the charges against us come from that class of men almost entirely. I have no doubt that there have been individual instances of outrages upon persons. I have heard of it through the State, and I have very little doubt that there has been more or less of it. But what we complain of is that the outrages of a class of men to whom we are just about as much opposed as we are to thieves and plunderers—the class of men who are known as Ku-Klux—should be taken

as evidence of the general sentiment of the people, and made the basis of hostile legislation against our whole community. I never saw one of this class of men, and never saw anybody who had seen one; but if there are any persons of that sort in the State they are regarded in that section as the very worst enemies of our people; and it would be just as fair for us to take as the representatives of the whole mass of republicans at the North the thieves and plunderers who have gone there to fill our State offices, as it is for republicans to take these Ku-Klux—these obnoxious men whom you will find everywhere in society—as representatives of our people, and as being favored by our people. This is the injustice that is done us. You might just as well say, because there is arson, and burglary, and rape, and murder, by a dozen or more individuals, that the whole people are burglars, murderers, &c., as to say, because there are Ku-Klux down there, that the whole Southern people favor them, or that a large portion of them favor them.

Question. Is it not believed by your people that very many of those bad men now in office, conscious that they cannot be reëlected or kept in power any longer by the popular will, are endeavoring to bring about this very state of feeling and this character of legislation for the purpose of continuing themselves in power by force against the will of the people?

Answer. Yes, sir; that is the food that these men live upon; and I have no doubt in my own mind that they excite these things; that they contribute to it in every secret way they can. I have no doubt—I have no personal knowledge of the fact, but it is a judgment I have formed—that the main cause of these troubles is the presence in our community of that class of men, and the toleration and protection that they receive from this great republican party that has possession of the Government.

Question. Is it not your opinion and the opinion of your people that those men, rather than give up their offices and the chances they now have to make money out of their positions, by fair means and foul, would prefer to see the Government overthrown, rather than have it restored to peace and quiet, if they had to go out of office by that restoration?

Answer. Well, sir, I cannot say the extent to which they would go to keep their places, but I have no more idea that these men care anything for the republican party or its doctrines, except so far as they can use them for their own personal advantage, than I have that they are honest men and Christians. I do not think that they go there to benefit anybody but themselves; and they have done that successfully, for most of them have made fortunes very suddenly.

Question. Have they any means of making those fortunes legitimately out of the perquisites of their offices?

Answer. They have no means of making money that I know of, excepting their offices.

Question. Is there any difficulty about any republican expressing his sentiments in your State, or speaking freely anything he pleases?

Answer. None whatever. I have no doubt there are places or communities where these vicious, mischievous men are found. There are large negro majorities in certain localities, and in some places these republicans who have come down there for that purpose control this negro vote in a way that is highly offensive to the people. The teachings of the negro under such circumstances are all wrong. They stir up his worst passions, and excite his prejudices against the white race. In places of that sort I suppose there is an amount of feeling excited that perhaps might break out in some insult or some opposition to that sort of teaching by any public speaker. But I do not believe there is any place in the State where a gentlemen, a man who behaved himself as a gentleman, and addressed himself to the legitimate principles of the republican party, the fair, legitimate differences between the two parties, could not be heard with safety. But, for the reasons I have stated, there may be certain counties, certain localities, where these mischievous men have produced such a state of feeling among the whites and such opposition to the party that gives these men countenance and protection, that they might meet with some insult or expression of hostility if they were to attempt to make speeches of that sort.

Question. Are there not portions of your State where the great mass of the community believe that under these teachings their property is insecure and liable to all sorts of depredations, incendiary and otherwise?

Answer. Certainly. I have no doubt those teachings have had the effect to produce outrages upon property and have incited the negroes to outrages that I have heard of their committing in some counties of the State.

Question. Persons feeling that sense of insecurity feel very unkindly of course toward men who they believe are teaching those doctrines?

Answer. Yes, sir.

Question. And this may subject such men to insult when it is believed that such teachings are going on?

Answer. Yes, sir.

Question. I understood you to say that no man need be afraid of expressing anywhere legitimate sentiments on the differences between the two parties?

Answer. None in any place or community that I know of. I have no idea that any republican who would discuss such questions in a proper spirit and manner, however emphatic, however vehement, however severe he might be in the announcement of his convictions and principles, would meet with any opposition or interference in that sort of freedom of speech.

Question. Is there any general feeling of opposition to *bona fide* settlers from the Northern or Eastern States coming into Alabama, taking part and lot with your people—taking their chances for official station along with the rest of you, but assuming neither the power of the bayonet nor coercive power over the negro?

Answer. Instead of there being any opposition, there is a desire that such people shall come to the South. Our great want is population and capital; and I have no doubt that the class of men that you speak of could come to Alabama with perfect impunity, with perfect security to their persons and their property. I will give you an instance in my own county: At the last term of the circuit court, which held about four weeks, (it closed just a short time before I left home—just before the city court met in Eufaula,) a republican named Cameron came there from New Jersey, bringing with him three or four female members of his family. His son-in-law was an engineer on the Vicksburg and Brunswick Railroad. Mr. Cameron avowed himself a republican. He remained at the hotel during the court, and he behaved himself like a gentleman; he is a gentleman. He and the female members of his family were treated with the highest respect. They eat at the hotel table with the bar and the judge; and they had just as much attention as if they had been democrats or people of respectability from any quarter. His son-in-law purchased a residence in the town of Clayton, and Mr. Cameron himself also bought a residence there.

Question. In other words, you seek to encourage that class of immigration?

Answer. Yes, sir. I myself gave Mr. Cameron a letter to a prominent merchant in Eufaula, telling him who Mr. Cameron was; that it was desirable such men should come among us; that he would be an acquisition to our society. Mr. Cameron asked me for this letter, that he might make Mr. Bray an agent to make investments for him in real estate in Eufaula. I have no doubt in the world that any republican who would come down there, if an honest man and a gentleman, and received as such in his own society at home, would receive the same treatment in my community. But if a man comes down there as a political adventurer, to stir up strife and to obtain office by the votes of the ignorant black people, when no honest white man would countenance the proposition to put him in office, or to give him any place of trust or responsibility—when we know that he is a man of that kind, and that he is mingling with that sort of people merely to profit by it in the way I have stated, we must either ignore the difference between honest men and thieves, or we must repudiate such men when they come among us. Our people never can be so much degraded—I hope I never shall live to see them so much degraded—as to receive these men socially, or treat them with respect and as gentlemen. When this class of men complain of the treatment they receive, we think it is too much that we should be punished because we do not take such men by the hand.

WASHINGTON, D. C., *July* 7, 1871.

HON JAMES L. PUGH, (examination continued.)

By the CHAIRMAN, (Mr. POLAND:)

Question. I have understood you to say that the principal dissatisfaction of your people with the existing state of things grows out of your having so large a number of incompetent or corrupt State and county officers.

Answer. Yes, sir; I think that is the main cause of the dissatisfaction and the complaint; that is the immediate cause of the irritation.

Question. You say, also, that your people feel that these men are listened to by the republican party and by Congress, and that the representations they make are regarded as true, when, in fact, they are misrepresentations.

Answer. That seems to be the fact, so far as we are able to judge.

Question. You stated, also, that your people feel that those representations are made the ground of unfriendly and unfavorable legislation by Congress.

Answer. Yes, sir.

Question. To what particular legislation did you refer?

Answer. The special acts of Congress to which I had reference are the late bill known as "the Ku-Klux bill," and the act known as "the enforcement law."

Question. The law passed a year ago?

Answer. Yes, sir.

Question. What is the objection which your people entertain to what is called "the Ku-Kluk bill?" How do they feel that it is unfavorable or unfriendly to them?

Answer. For the reason that the law seems to be directed at the whole people of the State. It is based upon the assumed existence of a general spirit of hostility to the laws and to the execution of the laws; and we do not think the facts justify that interference by Congress with the affairs of the State government.

Question. The law in terms applies to the whole country—no more to the people of the South than to those of the North.

Answer. Yes, sir; I am aware of that.

Question. And the substance of it is that it creates penalties and remedies against acts of violence done by bodies of men in disguise. Now, why do your people complain of that?

Answer. We do not complain of any law that would punish these men. I have no idea that such outrages meet with any countenance from our people. But the law passed by Congress is evidence to us and to the world of the fact that we are supposed to countenance these outrages and will not punish them through State laws and State courts.

Question. Your people do not object to the punishment of acts of violence committed by bodies of men in disguise?

Answer. Not at all, sir. So far as the people with whom I mingle are concerned, I am satisfied that they regard the men who commit these outrages as their greatest enemies; and I believe there is no class of men whom they desire to be punished with more severity. But the objection is that Congress taking charge of the matter is evidence that they believe that the people of the State, through State administration, State courts, and State officers, will not put down these outrages; the countenance these things are assumed to receive from the people is made the basis of congressional legislation.

By Mr. COBURN:

Question. Have they that impression in regard to the enforcement act also?

Answer. Yes, sir; they have the same view in regard to the enforcement act.

By the CHAIRMAN, (Mr. POLAND:)

Question. Do the people of the South think that the enforcement act was specially aimed at the South and the people of the South?

Answer. Yes, sir; that is the impression with us.

Question. Our New York friends insist that it was aimed at them.

Answer. Yes, sir; I have seen some complaint in that quarter that it was aimed at them. As I stated yesterday, I am satisfied that the people in both sections form opinions in reference to each other which are founded upon a misunderstanding of the facts and of the real feelings and sentiments of each other.

Question. I think the people of the South are entirely mistaken if they suppose that what is called "the enforcement bill" was aimed at them. The Ku-Klux bill doubtless originated from what is represented to have been the condition of things in some parts of the South—not universally. Do you not believe that in many portions of the South there have been a great many acts of violence committed by bodies of disguised men?

Answer. Well, sir, from information I gather through the newspapers, I have no doubt that there have been combinations of that sort in some counties, and I have no doubt that they have perpetrated great outrages, such as are shocking to the moral sense of the community.

Question. And do you not also believe that these combinations have been so strong in some places, and produced such a state of feeling as to make it exceedingly difficult, if not impossible, to punish such things in the local courts, at least in some localities? I do not mean to say throughout the whole South.

Answer. I really am not able to give any opinion that is worth anything upon that subject. With the State offices filled by republicans, who have the authority to draw grand and petit juries, and having mixed juries also, the judges being republicans, I scarcely believe that there is a county in the State of Alabama where the white people would throw any obstacle in the way of the prosecution, conviction, and punishment of these men for such outrages. In some places in Alabama, the causes which I have mentioned, the character of the men I have referred to, the wicked counsel they give the negroes, and the effect which that sort of counsel is seen to have upon that population in their ignorant condition, may produce a feeling against these men that would be indifferent as to the punishment of any man who would remove them from the community.

Question. I apprehend that is the very ground upon which Congress felt it right to pass the law in question—not that it was universally true that acts of this kind could not be punished, but that there were sections and localities where it was impossible to put them down by local tribunals.

Answer. If you will allow me, I will state that the exclusion from the polls of a large portion of the white people of the South, and their being made almost universally

ineligible to office by the "iron-clad oath," has had the effect upon the people of making them indifferent to the manner in which the State government is administered and the laws executed. The effect of this congressional legislation has been to satisfy them that they are distrusted as a people. All power in the election of officers and in the administration of the government has been taken from them by Congress; and the impression has been made upon their minds that it is not the will of Congress that they should have anything to do with filling the offices, making the laws, or administering the government. The legislation of Congress seems to be founded upon the idea of a general distrust of the white people; and the effect of it has been to create this feeling of indifference. But that is not the case at this time; that is not the present feeling.

Question. Those things are now all removed except the disability to hold office.

Answer. I know that; but I say the offices are now filled by men who could take the "iron-clad oath." At the time of the election, not one-tenth of the white people of the South, who were competent, were eligible to these offices. We complained that we were punished for the maladministration of the State government, and the inefficient execution of the laws by agents whom the republican party had selected to make the laws and execute them.

Question. You think that the removal of these things one by one by Congress is aiding in bringing about a better state of feeling?

Answer. Very much; it is contributing very largely to the reëstablishment of good feeling and general satisfaction.

Question. And if the remaining provision of that character, the constitutional disability, were removed, you think it would still further aid in bringing about good feeling?

Answer. My opinion upon that subject is of course worth nothing, because I am myself one of the subjects of that disability; but it is very natural that the removal of disabilities should have that effect. Our people at the close of the war were indifferent about politics and about parties. They had no more affection for the democratic party than they had for the republican party. We at one time supposed that the democratic party favored such theories and principles of government that they would never support coercion, by the Federal Government, of the people of a State for exercising the right of secession or resistance. But when they voted money and men, and sent their regiments to destroy us, it had the effect of breaking loose all the party ties that had ever been formed; and at the close of the war, I think our people were prepared to throw their political power anywhere where they saw it would promote their interests in the highest degree. While we were in a condition not to expect any favors—while we were regarded as rebels—yet we thought that when the conquering power defined what punishment we should have, and when we had suffered that punishment, we ought to have the right to claim that punishment as a satisfaction for any offense we had been supposed to have committed. While we admit that on your theory, and with your views and opinions, you regarding us as rebels, and as having made resistance to the authority of the Federal Government, there may have been justification for the policy adopted with reference to us; yet, as we were living under the same Government, and belonged to the same race—after our relations to the Government were defined by your laws, and after those laws had been carried into execution, after the terms of reconstruction prescribed had been all complied with, we thought it ought to end there, and that we ought then to be treated as equals, especially the equals of other people of our own State.

By Mr. COBURN:

Question. Has your legislature passed laws encouraging immigration into your State?

Answer. I do not remember any.

Question. You said that your people desired immigration. Now as there has been a good deal said by various witnesses about the exclusiveness of the Southern people and their discouragement of immigration, I desire you to state as accurately as you can the position of the people of your State in relation to immigration by citizens from the Northern States?

Answer. Well, I have heard enough to satisfy me that our people are very desirous that the Northern people shall come and settle among us, when they do so for the purpose of identifying themselves with our interests and our people, for the purpose of becoming permanent citizens of the State—when they do not come there as political adventurers, for political gain, but come with capital, intending to invest it, and to become citizens of the State with proper feelings and intentions. I have no doubt it would give great satisfaction for such people to come among us, whether they were republicans or democrats. It makes no difference to us whether a man is a republican or a democrat, if he is an honest man and behaves himself as such.

Question. But your people, you say, have an aversion to a new-comer mixing in politics?

Answer. Offensively, mischievously.

Question. What do you mean by "offensively" or "mischievously?"

Answer. I have heard a good many republican speeches which were respectful, which

discussed matters of difference in a proper way, which appealed to the people to adopt the policy of the republican party, because it was best for them and for the development of the country. I have heard persons speak of those speeches afterward and compliment them for fairness, and for exhibiting the right sort of spirit; they have said they have no objection to speeches of that sort. But when a demagogue or a mischievous man goes South in order to stir up the passions of the negro population, and to grasp political power that he may harass, oppress, and rob the people, they do not want that sort of freedom of speech, nor do they want men of that sort among them.

Question. Do you think a man of that sort, who would make speeches odious to the people, would be in danger as regards his personal safety?

Answer. Well, sir, if a man were to go there and make an incendiary speech and excite the passions of the negroes to acts of outrage and violence, I do not know that he could do so with impunity.

Question. Suppose he did not excite any one to acts of outrage and violence, but made a bitter republican speech, would his personal safety be endangered?

Answer. I have no idea it would be. In times of high political excitement there are always in the meetings of the people individuals who become excited from some cause or other—liquor or something else—reckless men, who will offer an indignity to a speaker. But that was done before the war as well as since.

By Mr. BLAIR:

Question. You spoke of a presentment made by a grand jury of your county?

Answer. Yes, sir; I have cut from a Montgomery paper and have here an extract from the general presentment of the grand jury that was charged by the judge of the city court. The extract is as follows:

"After a careful and diligent inquiry of those who have been before our body, without regard to race, color, or previous condition, from the different sections of the county, we are with great pleasure enabled to report the total absence of any hostility between the races, and cannot hear of the least disturbance on account of former condition or present political opinions, but find all classes of law-abiding citizens living in peace, quiet, and harmony. After the most careful and diligent investigation, we have been unable to find anything resembling an organized band of lawless persons."

By Mr. BECK:

Question. I understood you as saying that your people believe the Ku-Klux bill, so called, to be a measure levelled at the people of the South more particularly?

Answer. Yes, sir.

Question. The chairman asked you whether or not its only effect was not to punish men who commit outrages in disguise. Do you not understand that it does a great deal more than that by seizing upon whole communities in certain circumstances and putting them under the power of the President, depriving them, in the particular district where outrages are committed, of the right of trial by jury and other rights secured by the Constitution, whether the citizens generally have had any participation in the outrages or not? Do you not understand that it deprives whole communities of their rights, because of the acts of a few bad men whom they cannot control?

Answer. Yes, sir; it puts the whole people under the ban of military power for the misconduct of a few individuals.

Question. The community generally being as much opposed to the acts of those individuals as the men who framed the law?

Answer. Yes, sir.

Question. And believing that measure to be aimed especially at the Southern States, your people object to that character of legislation?

Answer. Yes, sir.

WASHINGTON, D. C., *July* 7, 1871.

JOSEPH H. SPEED sworn and examined.

By the CHAIRMAN, (Mr. POLAND:)

Question. Where do you reside?

Answer. In Marion, Perry County, Alabama

Question. How long have you lived there?

Answer. Since 1858.

Question. Where did you live previous to that time?

Answer. I was born and educated in Virginia; lived for some time in North Carolina, and then removed to Alabama.

Question. You have always lived in the South?

Answer. Yes, sir; I was never out of the South until after the war.

Question. What is your business?

Answer. I am now register and master of the chancery court of our district.

Question. What was formerly your business?

Answer. I was a teacher, up to the breaking out of the war; I was teaching when the war began.

Question. During the war were you connected with the rebellion?

Answer. I was an officer in the confederate army from nearly the beginning of the war.

Question. Did you serve during the whole war?

Answer. I served until I was appointed by the governor of my State as agent for the State at the Virginia Salt-Works. Salt became very scarce in the South; we had it manufactured; and I was appointed by the governor of the State as special agent for the State at those works, which were in Washington County, Southwestern Virginia.

Question. With what political party did you act before the war?

Answer. I was a whig, or acted with the party opposed to the democratic party immediately before the war. I supported Bell and Everett in 1860. My first presidential vote was cast then. In the constitutional convention of Alabama, in 1867, I was a member from my county. In that convention I opposed the disfranchisement of my people. The convention, in the article on the elective franchise, adopted a provision disfranchising from voting all who were disfranchised from holding office under the fourteenth amendment. I opposed that proposition in convention, entered my protest against it on the journal of the convention, and opposed the ratification of the constitution before the people on that account.

Question. What have been your political connections since the war?

Answer. I have been affiliating with the republican party since that time. I should say that the legislature of my State, which was republican, removed, at its first session after the admission of the State, all disfranchisement. I should not have acted with the republican party but for that. The legislature came to precisely the same ground that I had occupied in the convention. From that day on, I have coöperated with the republican party.

Question. Did you marry in Virginia?

Answer. I married twice in Alabama, in the county where I reside.

Question. Do the relatives of your wife reside there?

Answer. Yes, sir; the relatives of both my wives.

Question. What we wish to ascertain is the condition of things in your vicinity, and in your State so far as you know, in relation to the enforcement of the laws for the protection of person and property. We wish to know whether the laws are so enforced that person and property are protected, or whether there are acts of violence done to person and property, and especially whether such acts are done by bodies of men in disguise. Go on and state generally your views in relation to that question.

Answer. My county has been up to the present year perfectly peaceful.

Question. The county in which you live?

Answer. Yes, sir. Our last State election was as orderly and quiet as any I ever saw held. During the progress of the election I was sitting in company with some friends who differed with me in politics, and we remarked that we had never witnessed a more quiet election. I do not think there was any more disorder or any more noise during that election than there is in this room at this time. That was in November, 1870—the last State election. I speak of my own county, the county in which I reside.

Question. What county?

Answer. Perry County—just on the border of the cane-brake county. We held an election for State senator in January; I will not be positive as to the day, but my recollection is, it was about the 25th of January. There had been a resignation of our State senator. For some little time previous, and perhaps just after, there were bodies of men riding through the streets of the town at night in disguise. I must say I did not see these men. I reside on the outskirts of the town, on my little farm of eighty acres; my residence is not in the business part of the town. But there is no doubt at all about those men having been there. I heard it spoken of by many persons who saw them. There was no violence done. I was informed by a man who was formerly my slave (for I was a slaveholder) that the men rode in the direction of my house, and in the direction of the houses of some other officers of the county. But they did not molest us at all; and I did not know of the matter until the next day. They did no violence at that time at all.

Question. Was that previous to the election you spoke of?

Answer. It was a short time before—perhaps one, or two, or three nights before. My recollection is that they were in town two or three times just before the election, and just after; I know they were there once or twice before the election.

Question. About how numerous a body?

Answer. A body of twenty or twenty-five men on horseback, as I was informed. That

was the first I knew of the appearance in our county of bodies of disguised men—what we term "Ku-Klux." That was the first I knew of them from any reliable information. There was a negro in jail in my county on a charge of murder. He has never been tried. A body of disguised men came to the jail to take him out; they did not say what they wanted with him. The jailer, who was a man of some will and personal courage, had his father-in-law with him, and they were armed—one with a double-barrel shot gun, and the other with a Winchester rifle. They told the men in disguise, speaking to them from the window, that if they attempted to come in they would fire on them and would be enabled to kill several of them before they could get in. The men desisted from their attempt to take that negro.

Question. How large a body of men was that?

Answer. There were about twenty-five—not less than that number.

Question. In disguise?

Answer. Yes, sir; in disguise.

Question. The supposition was not that they wanted to rescue the negro, but that they wanted to take him out for some other purpose?

Answer. They wanted to take him out to punish him. He had struck a white man who had died from the blow.

Question. Perhaps we may as well inquire as to the circumstances of that case. What were they, so far as you know?

Answer. I never had any conversation with the gentleman who was struck, and who died from the blow. The negro man who gave the blow came to me, and I asked him in regard to it, as well as others. The gentleman at whose house he lived came to me also and told me the circumstances, as he understood them. They were detailed by this negro man and by his wife. It appeared that they were walking on the street about sundown, he and his wife. She was a washerwoman and had a basket of clothes, either on her arm or on her head; as they passed, the basket touched a gentleman named Stillings; the pavement was narrow, not much wider than this table, [about four feet.] She and her husband stated that Mr. Stillings pushed her violently from the sidewalk and struck her. The negro man remonstrated with him, and asked him why he did it Mr. Stillings stooped to pick a brick from the pavement——

Question. Did he say anything?

Answer. Yes, sir; he said that no negro should crowd him on the sidewalk. Perhaps he accompanied the remark with an oath, though I will not say as to the oath. When he did that, the negro man jerked a paling from the fence and struck him on the side of his neck and head, just below the base of his brain; he was insensible for some little time, and was taken up and carried home. My recollection is that this occurred on Friday or Saturday about night. On Monday Mr. Stillings was on the street; but he afterward became worse and died from the results of the blow, after, I suppose, nearly a month.

Question. Was this colored man arrested in the first place for the assault?

Answer. Yes, sir, he was arrested, carried before the mayor, and required to give bonds in $100. The acting mayor, who was a democrat, fixed that amount of bail for his appearance. The man appeared at the time designated.

Question. At that time it was supposed that the injury to Stillings was small?

Answer. It was supposed that it was not serious.

Question. But he did eventually, in about a month, die from that blow?

Answer. In several weeks, I think about a month.

Question. And then this colored man was arrested and put in jail?

Answer. Yes, sir, he was put in jail on a charge of murder.

Question. What time was that?

Answer. I think it was in the month of March last that the striking occurred; that is my recollection. These disguised men came to take the man from jail, during the session of our circuit court, which began the latter part of March or the first of April.

Question. Then it was not very long after he was first confined on this charge of murder?

Answer. These men came very soon after he was confined.

Question. The jailer made such resistance that they went away?

Answer. Yes, sir. The jailer told them he would fire upon them if they endeavored to break into the jail; that he would not surrender the keys.

Question. Was the colored man removed to some other place?

Answer. He was removed to Selma.

Question. Is he still in jail?

Answer. He is still in jail in Selma.

Question. Go on and state any other instances of the appearance of disguised men, and what they have done in your county since they first appeared there last winter.

Answer. About May, a colored man by the name of Isaac Hall was taken out and whipped.

Question. Where did he live?

Answer. In my county.

Question. How far from your place?

Answer. Between fifteen and twenty miles. I will state here in regard to all the whippings which I shall speak of, that, though I heard of them soon after their occurrence, I got more explicit information from the representative in the legislature from my county, after I was summoned to appear here. When I received an order to come to this place, it was just before the meeting of the board of regents of the State University, of which I am a member.

Question. Were you required to attend that meeting?

Answer. Yes, sir; it was my duty to attend there. It was a very important meeting of the regents. While I was there I told this man, who is a colored man named Alexander Curtis, to get this information and give it to me.

Question. He is a representative in your legislature?

Answer. Yes, sir. He is a man of unusual intelligence for a colored man; and his character for veracity and integrity is as good as that of any man I know of in the county. I think that all persons of all parties would give him that character. He and I talked over these cases. I have mentioned the first case, that of Isaac Hall, who was taken out and whipped about the 1st of May. The cause for which he was whipped, as this colored representative in his examination found out, was that he was an active republican.

Question. Was there any charge of misconduct against him?

Answer. None that I heard.

By Mr. BECK:

Question. Did this colored man pretend to know these facts himself, or did he gather them second-hand?

Answer. He was not present when the whippings occurred. He either saw the parties or persons who had seen the parties who were whipped.

By the CHAIRMAN, (Mr. POLAND:)

Question. You heard of these cases by report?

Answer. I heard of them immediately on their occurrence.

Question. And you sent this man to get the particulars about each of these cases?

Answer. Yes, sir; I got him to secure for me the particulars. There is no sort of question—it is just as certain as that I sit on this chair—that those occurrences took place.

Question. Was Hall severely beaten?

Answer. Not severely, so far as I know. I do not know the extent of the beating. I presume it was not very severe. The next case was that of Alfred Darling, a colored man, who was beaten in February for the same cause; and he was very terribly beaten. In this case I received information, also, from the senator from Hale County, which is just west of the county of Perry, having been made from a portion of it. The senator from Hale lives near the edge of Perry.

Question. And near this man who was beaten?

Answer. Yes, sir. He told me he saw this man Darling himself, and that he was very terribly beaten.

Question. Why was that done?

Answer. There was no charge against him so far as I know, and I have been unable to hear of any. I asked Mr. Johnson, the senator from Hale, who is a white man, and he said he knew of none.

Question. Did you understand from what you learned that these men who did this act alleged any reason for doing it?

Answer. Nothing that I heard. I will say that as to the character of this man, Alfred Darling, I inquired of persons who lived in his neighborhood—white men who are democrats—and they represented him to be a good man, as having a better character than colored men generally have.

Question. And you never heard in any way of any allegation against him?

Answer. I have heard no allegation against him. The next case is that of Monie Hartley and her son, who were shot about the middle of April.

Question. Do you mean that they were killed?

Answer. No, sir; they were both shot and wounded.

Question. How far from your place did that happen?

Answer. I think about fifteen miles.

Question. Was this done by a body of disguised men?

Answer. It was done by a body of men who are supposed to have been the same body that were in Marion, my town. My information is, that it occurred the morning after the appearance of these men in Marion. It occurred early in the morning.

Question. Do you understand why this was done, whether there was any charge against these persons who were shot?

Answer. There was no charge whatever, that I know or have heard.

Question. Do you know anything as to the character of this woman and her son?

Answer. Nothing at all.

Question. Not by report even?

Answer. No, sir; not even by report. The circumstances, as I heard them detailed, were that these men were passing along. They of course excited the curiosity of these negroes, who were standing in their yard looking at them.

Question. And the men fired upon them?

Answer. And they were fired upon by the men.

Question. Can you mention any other case?

Answer. The next case is that of a woman named Katie La Grone. She had been living with a gentleman named Blackburn, but had left his employment. She was whipped, and told by the men who whipped her—disguised men—that she must go back to Mr. Blackburn's house. This occurred the last of May. I saw Mr. Blackburn myself, and asked him in regard to it. He told me there was no doubt of the thing having been done.

Question. Do you understand that there was any allegation of misconduct or criminality against this woman?

Answer. Nothing, so far as I know, further than that she had left the employment of this man. That was the cause, as I was informed, that was assigned for the punishment by the men who punished her.

Question. State any other case.

Answer. There was another case which occurred either on the edge of my own county or in Bibb County; I am not positive which. The person who was killed was at the house of his brother-in-law; and either he or his brother-in-law was named Greathouse. On the edge of Bibb or of Perry County there lived a white man who had employed a colored man that had left the employ of another white man. A body of men in disguise visited this colored man and told him he must go back into the employment of his former employer. He refused to do so. Afterward this colored man was whipped by a body of men in disguise. The gentleman with whom he was then living was very indignant at his being whipped because he was in his employment. He stated to the colored man, "If you desire to leave me and go back to your former employer, you may go; but I shall not discharge you." The negro refused to go. A body of disguised men came to the house. I must say that this case, I think, had no political aspect at all. The house was a log house, and there were two men in it, the owner of the house and his brother-in-law. The disguised men fired; and the two men in the house fired upon them and wounded two of them very severely. The wounded men were carried off, however. It was seen by the blood next morning that two had been wounded. When the men inside the house had discharged their guns, one of the disguised men on the outside knowing that their guns were empty, stepped up to the house, shot one of the persons in the house, and killed him; shot him just in the thorax. The information in regard to this case was given to me by a State senator, Mr. Johnson, of Hale County. It occurred not far from the place of his residence. Hale, Bibb, and Perry are adjacent counties.

Question. Can you state any other case?

Answer. Those are the only cases that occurred in the immediate vicinity of my county that you have not been informed about, I presume. There was the case of George A. Clark, who was very severely treated in Sumter County, in the fall of 1870. Shall I state what he told me?

Question. Yes, sir.

Answer. This gentleman states that he is an Englishman, still a subject of Great Britain; that he was teaching a negro school in Sumter; that a band of men took him out, whipped him very severely—terribly; shot him and hung him. They supposed, he says, that he was dead. They let him down; he was insensible; he recovered, however, crawled off, made his escape and came to my county. I was the superintendent of education for my county at that time, and I gave him employment. He is now teaching a negro school in my county. This occurred in the fall of 1870. Mr. Clark can be had if he is desired.

Question. Why did these men treat him in this way?

Answer. He stated that they did it because he was teaching a negro school.

Question. Did you understand from him that that was what they said to him?

Answer. Yes, sir; that was the cause assigned.

Question. Do you understand that there was no other charge against him?

Answer. None other that I know of. I got my information in regard to it from him alone.

Question. Have you heard of the occurrence otherwise?

Answer. Yes, sir.

Question. But the particulars of it you obtained from him?

Answer. Yes, sir. When I was in Tuscaloosa to take part in reorganizing the university, Professor Whitfield, a professor in the institution, gave me some letters which I have here, which were addressed to students of the university. There were only a very few students there. These letters had a string tied around them, and were hung

upon this dagger, [witness produces a dagger,] which was stuck into one of the doors of the university. This is the instrument given to me by Professor Whitfield, and these are the letters [producing letters] which were addressed to the students, ordering them to leave. One of these students was the son of Ex-Governor Smith.

Question. Read the letters.

Answer. They are as follows:

"DAVID SMITH: You have received one notice from us, and this shall be our last. You nor no other d—d son of a d—d radical traitor shall stay at our university. Leave here in less than ten days, for in that time we will visit the place and it will not be well for you to be found out there. The State is ours and so shall our university be.

"Written by the secretary by order of the Klan."

"SEAVEY: You have received one notice from us to leave. This is the last. We will be out in force in less than ten days, and it will not be good for you to be found out there. We are resolved it shall not be carried on under the present faculty. Some have been wise enough to take our warning. Do the same.

"The Klan."

"CHARLES MUNCEL: You had better get back where you came from. We don't want any d—d Yank at our colleges. In less than ten days we will come to see if you obey our warning. If not, look out for hell, for d—n you, we will show you that you shall not stay, you nor no one else, in that college. This is your first notice; let it be your last.

"The Klan by the secretary."

"HARTON: They say you are of good democratic family. If you are, leave the university and that quick. We don't intend that the concern shall run any longer. This is the second notice you have received; you will get no other. In less than ten days we intend to clean out the concern. We *will* have good southern men there or none.

"By order of the K. K. K."

This Charles Muncel, to whom one of the letters was addressed, was a young man from the State of New York, as I was informed by the faculty. The letters were inclosed in one envelope, addressed—

"K. K. K.,
"Students University."

Question. These letters were all left at the door at one time?

Answer. Yes, sir; they were all tied together. The persons to whom they were addressed were students of the university.

Question. And the letters were fastened to the door by this dagger?

Answer. Yes, sir.

Question. When was that?

Answer. I cannot be positive as to the time.

Question. Was it recently?

Answer. Yes, sir; this year.

By Mr. BLAIR:

Question. Did those students leave?

Answer. They left. They were smart enough for that.

By the CHAIRMAN, (MR. POLAND:)

Question. These young men have all gone?

Answer. There were no students in the university when we went there to reorganize the faculty in June.

Question. You have spoken of the election in your county in January, and have said that there were bodies of men riding about in your town two or three nights before the election. Was there about that election anything peculiar, anything different from what you had before?

Answer. I do not know that I understand what you mean by "peculiar."

Question. Was there anything peculiar about the polls? Were there men there armed?

Answer. Not at that election, so far as I know. The republican who was voted for did not appear at all. I think he was afraid to come on the ground. The public feeling at that election was very different from what it was at the fall election—the State election.

Question. What caused the difference? Give us your opinion about that matter.

Answer. My opinion is just this: The counties of Greene and Sumter, in West Alabama, were strongly republican up to the last fall election. At that time, one of those counties—my recollection is it was Sumter—gave 600 democratic majority, when there had been before that nearly 2,000 republican majority, though I will not be posi-

tive as to the number. The county of Greene also gave a democratic majority, although very much smaller than that given by Sumter. It had been one of the largest republican counties in the State. My opinion is that the success of the course pursued in Greene and Sumter, by which those counties were wrested from the republicans and made to give democratic majorities, was seen in our county and that it was the same spirit.

Question. What do you refer to? What had been done in those counties?

Answer. There had been a great deal of violence and intimidation there. It had been perfectly horrible. Numbers of men had been killed in those counties, and all of them republicans.

Question. Did the appearance of these armed bodies of men in your county produce a similar effect there?

Answer. Upon the colored people?

Question. Yes, sir.

Answer. Yes, sir, it did. Many of the leading colored people told me that they never intended to vote, or to have anything to do again with an election in my county.

Question. Were they intimidated?

Answer. They were intimidated, unquestionably, not only with reference to that election, but as to future elections. At an election held early in March in my town—a municipal election—a number of armed men were around the polls, and they did what our laws positively prohibit. Voters were challenged. Men who were registered by democratic registrars were refused the privilege of voting; their votes were challenged, which is contrary to the laws of our State. The registration was going on at the time of the election; it had not been entirely completed, and I know of several men who came with certificates of registration from a democratic registrar, who were challenged. My father-in-law, as strong a democrat as there is in any State, (but I believe him to be an honest man, and one who would do justice to all men,) was one of the registrars. Negroes would go to these registrars, who would question them, and if, in their opinion, they were entitled to registration, they would register them and give them certificates. There were printed lists of those registered prior to that time. A number of men who were sent with these certificates were refused the privilege of voting; their votes were challenged, although our State law positively prohibits it.

Question. And they were not allowed to vote?

Answer. They were not allowed to vote.

Question. Do you know whether, in consequence of this feeling which prevailed in your county, men staid away in any considerable numbers, and did not offer to vote?

Answer. This was a municipal election, not a county election. Men did stay away. I know a very intelligent white man, a republican, who staid away on that account. He told me so.

Question. You have stated various acts of violence committed in your county. In how many cases have the parties been prosecuted?

Answer. Not one that I know of. I can safely say that in my county (I do not know how it may be in other places) I do not know of a single case in which there has been a prosecution. I think that none of the parties have been prosecuted. It is proper to say that some of these cases have occurred since our court adjourned; I want to make no erroneous impression. But those that occurred before the adjournment of our court were not prosecuted.

Question. You have, I suppose, as we have elsewhere, a process of bringing a man charged with crime before a magistrate?

Answer. Yes, sir.

Question. Have there been any such proceedings?

Answer. No steps of that kind have been taken, so far as I know.

Question. Do you know why nothing has been done in the way of prosecuting for those offenses?

Answer. I suppose that, as these men were in disguise, it was not known who committed the deeds. The prosecuting attorney for our county is a very able and very determined man, and I do not think he would hesitate to prosecute if he knew the parties. I refer now to the cases of whippings. As to these challenges of votes, we have had no court since that was done. I spoke with our county solicitor in reference to that matter. I told him the law had been violated, and remarked, "I try to obey the law myself, and think other men ought to do the same." He remarked that it was useless to prosecute for challenging the votes.

Question. You have given us a statement of what has transpired in your county. Has the condition of things in other parts of the State during the last year been similar? What information have you upon that point?

Answer. From the best information I can obtain, there are several counties of the State of Alabama in which during the last year there was very great intimidation and violence. I do not believe that any candid man of any politics could say that there was a fair expression of the political sentiments of the people of Greene and Sumter Counties in the last election.

Question. What prevented a fair expression of the popular sentiment?

Answer. The violence that had been perpetrated before the election.

Question. What sort of violence?

Answer. The killing and whipping of persons by men in disguise. Citizens of Greene County told me they knew colored men who had not slept in their houses for a month, because they were afraid to sleep there. Mr. Hays, one of the Representatives in Congress from our State, told me he knew colored men who had not slept in their houses for a month. I was elected to the board of education last fall. I wanted to canvass Sumter and Greene in that election, and my friends told me that I could not do it; that I would endanger my life if I did. Up to that time I had had none of that feeling. Up to October, 1870, I felt that there was no part of the American continent where I could not express my sentiments freely.

Question. Was this thing confined to Greene and Sumter Counties?

Answer. No, sir; there has been violence elsewhere. As I have been informed, (and it is true beyond all question,) a large number of men have been killed in Tuscaloosa County.

By Mr. POOL:

Question. Have any been whipped?

Answer. Others have been whipped. The same thing has been done in Pickens County. The violence in the four counties I have named has been greater than in any other portion of the State in my section. We are, as you will find by reference to the map, separated very much from Northern Alabama. Until very recently we have had no railroad running through the State connecting the northern and southern portions. My information is confined to those counties which are nearest to me. All the counties I have named are in the fourth congressional district—the district that voted for me as a member of the board of education. The members of the board are elected by congressional districts.

Question. By the people?

Answer. By the people in the congressional districts. The same counties that compose a congressional district elect a member of the board of education once in two years.

By Mr. BECK:

Question. Who represents your district in Congress?

Answer. Mr. Hays.

By the CHAIRMAN, (Mr. POLAND:)

Question. Was there a perceptible change in the votes of the counties you have named in the last election?

Answer. I suppose you have the records of the votes of these counties and of the State here somewhere.

Question. I would like you to state generally the results of that election.

Answer. Sumter and Greene Counties were among the largest republican counties in that congressional district. I say they were among the largest; they were not the largest. That district is in what is known as the "Black Belt." My recollection is that Greene gave about 2,500 majority for General Grant, and Sumter in the neighborhood of 2,000. Last year, Sumter gave a large democratic majority, and Greene a democratic majority.

Question. Is it your belief that this change in the vote was produced by the terror and intimidation of which you have spoken?

Answer. I have no sort of doubt in the world that it was. I believe it as firmly as I believe in the existence of my Maker.

Question. Do you believe that these acts of violence and this terrorism were gotten up by these bodies of men for that purpose?

Answer. I believe that they were gotten up for the purpose of influencing the elections.

Question. How was it in regard to the other counties you have named?

Answer. I have the same opinion in regard to them.

Question. Do you know whether the law has been enforced against any of these men in any of the counties you have named?

Answer. So far as I know, or have been informed, not one man has been punished by the State laws for these outrages.

Question. What is your belief as to the causes of the non-enforcement of the law against them?

Answer. I think that in many cases it is because the men are in disguise. In the county of Greene the solicitor was killed. Doubtless you have all heard of the atrocious assassination of Mr. Boyd at night by a body of men variously stated at from fifty to seventy-five. The opinion of citizens of Greene in regard to the killing, as given to me, is, that the cause of his death was that he was endeavoring to ferret out some outrages which had been previously committed.

By Mr. POOL:

Question. By disguised men?

Answer. By disguised men. There is another theory in regard to the cause of his assassination. I will state all that I have heard in regard to the matter. The other theory, as given me by Chancellor Clarke and his son, who are most excellent gentlemen of high intelligence and integrity, is, that Boyd himself, previous to the war, had committed a homicide, and either suffered the penalty, or was acquitted; I do not know which. He may have been tried and acquitted, or convicted and pardoned. Some persons in Greene County think that the men who assassinated him were friends of the man whom he had killed.

By the CHAIRMAN, (Mr. POLAND:)

Question. Do you believe that one cause of the failure to prosecute these men has been the fear of violence entertained by those whose duty it was to prosecute?

Answer. I do not think that the solicitor of my county has any fear of that sort.

Question. How is it in these other counties?

Answer. I have no doubt that that is the case. I cannot state it as a fact; but that is my opinion. I will state that, perhaps, we have in my county the ablest solicitor in the State, a man of very superior ability, and fearless in the discharge of his duty.

Question. Have you heard of these bodies of disguised men in other parts of the State?

Answer. Yes, sir, I have. I have heard of them in several counties north of me, in St. Clair and Walker.

Question. Have the results been similar?

Answer. Yes, sir, they have produced similar results.

Question. Have you any knowledge or general judgment from the transactions as to the extent of this organization?

Answer. I have no knowledge except what I have gathered from the opinions of others. I never myself saw a Ku-Klux.

Question. From all the information that you have in relation to the appearance and conduct of these bands of men, what is your judgment in regard to the generality of an organization of that kind?

Answer. I think these men were, last fall and winter, organized in the counties I have spoken of, Greene, Sumter, Pickens, and Tuscaloosa; whether the organization is in existence at this time I do not know. But I have no doubt at all that there was a systematic organization of these men last year.

Question. For what purpose? With what intent?

Answer. My opinion is that their intent was to influence the State election of 1870.

Question. Upon what class of men have these acts of violence, whippings, murders, &c., been committed?

Answer. They are not committed by the best men by any means.

Question. I ask, upon what class of men are they committed? Who are the victims of them?

Answer. They are most generally negroes; negroes or white men who are republicans.

Question. Do these acts of violence seem, as a general rule, to be committed only against republicans, either white or colored?

Answer. Yes, sir, as a general rule. The exceptions of which I spoke are the only cases within my knowledge where the violence was committed upon any other than republicans.

Question. That case you said you thought had no political significance whatever?

Answer. In my opinion, it had not.

Question. How is it in regard to the expression of opinion in portions of your State by republicans?

Answer. Well, as I have stated, up to last fall, I felt I could go in any part of Southern Alabama, or anywhere else in the State, or in the Union, and express my sentiments without let or hinderance. But I believe that last fall it would have cost a republican his life to have gone alone and without protection to some portions of Greene, Sumter, Tuscaloosa, and Pickens Counties, and made republican speeches. That is my honest belief.

Question. Do you know anything of recent transactions of the character we are now inquiring about?

Answer. My country has been more quiet since the winter; all of our State, I think, has been more quiet; I think there has been more quiet in our section of the State during this last spring than for some months previous.

Question. Have you any theory as to how that has been produced?

Answer. I think it may be attributable partly to two causes. One, I think, is that there is no political excitement now, no election pending in the immediate future; and, in the second place, I think it is possible, and even probable, that the passage by Congress of the bill under which there was an effort made to give protection to free thought and free speech in the South may have had its influence.

Question. And this state of greater security is general, so far as you know?

Answer. Through my section of the State it is; and so far as I know throughout the State.

Question. This feeling of apparent hostility, of which you speak, is it against anybody who votes the republican ticket, or is it only against the colored people who vote that ticket?

Answer. It is against anybody who is actively a republican.

Question. Is there any special hostility to negro suffrage—to negroes exercising the right to vote?

Answer. Yes, sir; the democratic party of my State, and, so far as I have been able to get information, elsewhere, are very much opposed to negro suffrage.

By Mr. BECK:

Question. Has anybody been killed in your county by disguised men?

Answer. Nobody that I know of.

Question. Nobody that you have heard of?

Answer. Nobody that I have heard of. I think I can safely say that nobody has been killed in my county, unless the killing of Greathouse occurred in Perry County. It was on the edge of either Perry or Bibb.

Question. He was a democrat?

Answer. That was my information. That case was not political in its aspect. It was, as I understood, a difficulty growing out of the hiring of a negro.

Question. You yourself never saw a disguised man?

Answer. I never saw a Ku-Klux. I have seen disguised men, but never saw such as you allude to—a Ku-Klux in disguise.

Question. You never saw any of these bands of men going about in the night?

Answer. Never any of the disguised men that you speak of.

Question. And the information you have as to many of the cases you have given comes directly or indirectly from the parties who were chastised?

Answer. Yes, sir.

Question. And they all, of course, deny that there was any reason for it?

Answer. There was no reason given.

Question. Is it not almost certain that the persons who had been chastised, no matter what was the cause, would assert that there was no reason? Is not that the ordinary course of things when a statement comes from such a source?

Answer. That might be true; but the laws of our State do not permit a body of men to go out and chastise such persons as they may select. If individuals violate the laws, there are laws to punish them for such violation.

Question. There is certainly no dispute about that; but the person who is chastised is sure to say that he has been guilty of no offense, is he not?

Answer. Well, I do not know, sir.

Question. Suppose a person were whipped illegally and wrongfully, because he had burned a barn or a dwelling-house in the night-time, and it could not be proved upon him; would that be as great an outrage as if he had been whipped when he had done no such thing?

Answer. Of course not.

Question. Do you think the outrage would be equally great?

Answer. I do not; I have no doubt that a man who would burn a barn or commit a theft or anything of that sort would say he had committed no offense if whipped for it.

Question. Several cases you mentioned were cases of violence upon women—whipping them, &c.?

Answer. There was one case where a woman was shot—she and her son; and one woman was whipped.

Question. Do you suppose that those women were mixed up with politics?

Answer. No, sir; not at all.

Question. Then you think that the men who did those whippings did them either from pure wantonness——

Answer. One woman was shot and another whipped. In the case of the whipping, the cause given by the parties who whipped the woman was, as I understood, that she had left the employment of Mr. Blackburn and gone away from him. She was whipped, and went back.

Question. There was no politics in that?

Answer. None at all.

Question. As to the case of the other woman, what was said about that?

Answer. My understanding was that a party of disguised men were riding along, and they shot at and hit this woman and her child.

Question. That was an accident, you think?

Answer. No, sir; I do not think so.

Question. You think they just shot at her because they could shoot?

Answer. I suppose so. It was a piece of wantonness, I think. If I had thought it was an accident, I should have said so at first. I am a southern man, and I say nothing against my people unless I feel compelled to say it.

Question. Those letters to the boys at the university, were they never traced to any source?

Answer. None that I know of. No effort was made, so far as I know, to trace them to any source. They are all evidently written by the same person, I think. The circumstances were just as I have detailed them. They were found hanging to a dagger, which was stuck in one of the doors of the university. There was a string tied round the letters, and they were hung on the dagger.

Question. Did any disguised men ever come to that university?

Answer. None that I know of.

Question. You never heard of any being there?

Answer. I never heard of any.

Question. Those three boys all left?

Answer. There were four. I do not know whether they all left at once; they all left, however.

Question. Does it not strike you that a boy who wanted to get away from school might, as a very ready means of getting away, give himself notice in that manner, and get off on the strength of it?

Answer. It may be so, but I have no idea that it is true in this case—none in the world. If you had lived in that country, and knew what has been said about the university, and what has been done in regard to it, you would think as I do in reference to this matter.

Question. But no disguised men ever came there?

Answer. Not that I know or have heard of. The university is situated at Tuscaloosa, some forty or fifty miles from where I reside.

Question. You got information from Mr. Hays about the condition of things in his district?

Answer. Mr. Hays told me in the canvass of last fall that it would not be safe for me to go into Greene or Sumter County to make a speech. He told me there was no fair expression of opinion in Greene and Sumter Counties in the last election, nor in Pickens and Tuscaloosa.

Question. Do you not know that Mr. Hays himself is perhaps as odious personally as any other man in his district, and do you not know that he made speeches?

Answer. He did not make any speeches in the last election in Greene and Sumter Counties. I do not know that he attempted to make but one speech in Greene, and then he was mobbed.

Question. Where was that?

Answer. At Eutaw.

Question. Do you know that he attempted to make a speech there?

Answer. I heard Governor Smith say so.

Question. Did he tell you that he attempted to make a speech?

Answer. Not that he attempted to make a speech, but that he got on the table and was pulled down. He was going to adjourn the meeting, I think he said. Governor Parsons and Senator Warner had spoken.

Question. Your last general election was last fall?

Answer. Yes, sir; there has been none since that time.

Question. And at that time the condition of affairs in your section of the country was perfectly quiet?

Answer. Not in my country; but in my county at that time it was perfectly quiet, and the election was perfectly fair. Sumter and Greene are in my region of country.

Question. Have the whites or the blacks the majority in your county?

Answer. The majority of blacks is very large.

Question. Are the officials in your county republicans?

Answer. Most of them are not now. There were republicans elected. The probate judge, the sheriff, and the circuit clerk (those are all I now recollect) resigned and went away this year; or, rather, the sheriff went away last year.

Question. When were they elected?

Answer. In 1868.

Question. Had their terms of office expired?

Answer. No, sir; those men left. They sold their offices. The probate judge sold his for several thousand dollars. The first sheriff went off without selling his office at all. His successor sold his office for $1,000 or $1,500. The circuit clerk sold his office for some amount which I do not know. When I say they sold their offices, I mean they sold the fees upon their books and their unexpired terms of office. The probate judge had a large amount of fees upon his books, not as much, however, by a considerable amount, as he received for his office.

Question. Is such a proceeding as that in accordance with the laws of Alabama?

Answer. A democratic governor appointed their successors. I am not a lawyer.

By the CHAIRMAN, (Mr. POLAND:)

Question. The republicans sold and democrats bought?

Answer. Yes, sir; a democratic governor appointed the men who bought the offices, who were democrats.

By Mr. BECK:

Question. Is such a proceeding in accordance with the laws of Alabama?

Answer. I do not think it is. It certainly is not in accordance with my views of right.

Question. A man has no right to sell an office?

Answer. I do not think so; but, as I told you, I am no lawyer.

Question. Is that a fair sample of the character of men who have generally been holding office in Alabama?

Answer. The three men who sold their offices were good officers. Judge Williams, the probate judge, was a most excellent and efficient officer. A more honorable man I do not know anywhere. The circuit clerk was by common acceptation acknowledged to be the best circuit clerk we ever had in our county. The first sheriff under the new *régime* was not an efficient officer, because he was a dissipated man. His successor, who was a republican, resigned, and Governor Smith, just before going out of office, appointed a successor, which gave rise to the vacancy I have spoken of in the senatorship, the senator being appointed sheriff. His successor, Mr. Wyman, was a clever man and a good officer. He told me that the office was not as profitable an office as he expected, and he sold it. He sold, for $1,000 or $1,500, I think, his office and the fees upon his books. Those fees, however, were not as large as the amount paid in any instance.

Question. What became of those men?

Answer. They have gone north.

Question. Where?

Answer. One has gone to Missouri, one to Ohio, and one to Wisconsin.

Question. They were not citizens of your State except temporarily?

Answer. They were not citizens of our State till after the war.

Question. Were they not Freedmen's Bureau agents and officials who came down there?

Answer. I do not think that either of them was a Freedmen's Bureau agent. I believe they were all Union soldiers, and most of them officers, who had been stationed in our country.

Question. And elected while so stationed there?

Answer. O, no. The two Williamses—the sheriff and the probate judge—rented land and farmed for some time before they were elected. Mr. Wyman, who was State senator—I do not know what he did. I did not know him till he was elected.

Question. Did not the great bulk of the men who got into office in your State in 1868 belong to the class known as "carpet-baggers," men who came there for no other purpose than to get office, and who generally got it?

Answer. I will give you my ideas about that. In 1868 a large number of men who were incompetent and unworthy to hold office were elected. There is no question about that. Among that number of incompetents there were both "carpet-baggers" and natives; perhaps a majority of the incompetents were what you call "carpet-baggers." But many of the officers who were elected at that time were as efficient as any officers who ever served any State. There were many who were otherwise. It would be useless for me to undertake to explain how that grew up. It grew out of a variety of causes. We might talk an hour upon that point. In the first place, the republicans had not as large a class of men to select from as I wish they had had. I believe that if we had had all our people to select from, we would have obtained as a general thing a better class of officers. I have no question about that at all. Some of the men who were elected in 1868 were unprincipled men—as much so as any that ever disgraced any country. Others were men of as much honor, integrity, and ability as ever filled office in any State. I believe that if there had been no disfranchisement—if in the reconstruction of our State we had had all the people to select from, it would have been greatly better for us and greatly better for the State. Fewer bad officers would have been elected.

By Mr. BLAIR:

Question. You have not all to select from even now?

Answer. No, sir; unfortunately we have not.

By Mr. BECK:

Question. Was it not a matter of very serious complaint with the great mass of your people that large numbers of men who were not of you at all, who had not come among you to become *bona fide* citizens, together with the race that had been enfranchised by acts of Congress—the negroes, I mean—should have attempted to put upon you a constitution disfranchising so much of the intelligence of the State?

Answer. It had a bad effect; there is no doubt about that; and, as I told you, it had this effect upon me—that I opposed the constitution.

Question. That was one of the reasons you opposed it?
Answer. That was the reason why I did oppose it.
Question. You entered your protest against it?
Answer. Yes, sir; I had my protest entered on the journal of the convention.

By Mr. BLAIR:

Question. It disfranchised you?
Answer. No, sir; I had not been in office before the war. I was not disfranchised by the fourteenth amendment.

By Mr. BECK:

Question. What would be the effect of general amnesty upon your community?
Answer. Most salutary.
Question. In what regard?
Answer. In every respect in which a country can be benefited. I think general amnesty would benefit our country, and particularly our section. I think it would remove a great deal of the hard feeling now existing; and I am honest in the belief that it would greatly aid in suppressing these disorders, which are terrible, and which I look upon with the deepest regret, for I am a southern man, and have as much pride in my country as any man.
Question. You think that these disorders largely grow out of the distinctions that are now kept up?
Answer. I will explain how I think these disorders grew up. In the first place, I believe that great bitterness was engendered among the white people by the disfranchisement of their representative men; and I think that that bitterness was greater toward the negro after his enfranchisement than it would have been if there had been no disfranchisement of the whites. I think that this was the commencement of the trouble. The beginning of bitterness in our country was the disfranchisement of the whites; and out of that grew, in a great measure, their opposition to this movement of reconstruction. This, coupled with negro suffrage, was the origin of the difficulty. The white people in our country, though they may accept what is known as the "new departure," are at heart unalterably opposed, in my opinion, to negro suffrage. This alone has carried me into the republican party, for I believe that suffrage is necessary for the negroes for their protection under our form of government.
Question. And you think that a full restoration of all rights to all your people would have a beneficial effect?
Answer. I think it would have a most salutary influence.
Question. You think that the people would more cheerfully acquiesce in the new order of things, and that a great many of the existing troubles would be removed?
Answer. The troubles in the south are very great. I do not know that the removal of political disabilities would now correct them entirely.
Question. Is it not your opinion that the measure would have a tendency in that direction?
Answer. Yes, sir; the tendency would be in that direction; it would have a most salutary effect.
Question. It would aid in correcting the existing troubles?
Answer. Yes, sir. I have been, as all my party friends know, an earnest advocate, ever since the war, for the removal of all disfranchisement from the southern people. I, myself, was in the confederate army. While I was a Union man before the war and did not favor secession, still, when it came to a fight between my section and another, I went with my section; and I did it honestly and heartily, as I have before stated.

By Mr. BLAIR:

Question. Was not that the case with the great body of the southern people? Were they not Union men at heart?
Answer. I think the majority of the people of my State were Union men. They were not allowed to vote, you recollect, upon the question of the secession of the State. It was never submitted to the people at all. If it had been, and if we could have had a fair canvass, (I do not know that a fair canvass could have been had,) I believe a majority of the people of Alabama would have voted against secession. But the leaders of that movement were bold men; they did not submit the question to the people; and if it had been submitted, I do not believe there would have been a free expression of opinion.

By the CHAIRMAN, (Mr. POLAND:)

Question. I would like to inquire a little further in regard to your university, and the state of things in connection with it.
Answer. Under our new constitution, the educational interests of the State are intrusted to a board of education, consisting of two members from each congressional district. Those members are elected for four years, one from each district being chosen

every two years. They are the regents of the State University. That university is maintained by the proceeds of public lands given by the United States Government to the State of Alabama for a university. We have an income of $24,000 a year. I may as well state, by way of explanation, that the lands given by the United States were sold, and the money placed in the treasury of the State; but it was used; and the money for the support of this university is now raised by direct taxation upon the people. The trust fund for the benefit of the university is gone. It was lost in the banking operations of the State years ago.

By Mr. COBURN:

Question. How long ago?

Answer. A good many years ago—before I went into the State.

By the CHAIRMAN, (Mr. POLAND:)

Question. Before the war?

Answer. Long before the war. The State went into a banking system, and lost all the trust-funds it had—the public school fund, and the university fund.

By Mr. COBURN:

Question. And the interest is now supplied by direct taxation?

Answer. Not the full amount of the interest. After the loss to the State, the legislature passed an act providing that the State should give $18,000 a year to the university, paying that much in lieu of this other money; but it was not half as much as the annual interest on the university fund would have been if it had been preserved. The university is now maintained in that way. Our public schools are maintained in the same way—by direct taxation upon the people, to replace moneys that should have accrued by the annual interest on a trust-fund, which trust-fund has been lost—lost long before the war. In 1868 that university went into the hands of this board of regents. Several members of the board were most unsuitable men for their positions; they have not managed the university wisely or well. The opposition to republicanism has been, perhaps, as strong and bitter in Tuscaloosa County as in any county of the State; intolerance and proscription have, perhaps, in no part of the State been stronger. There was a great opposition to the university under the *regime* under which it was then conducted. The professors told me that students, when they came there, were visited by persons of Tuscaloosa, and begged not to go to the university. Some, after having been sent there by their parents, were persuaded to go back, and did not matriculate. There has not been given to the university for its assistance and success that aid and encouragement which are usually given to an institution of that kind by the town in which it is located.

Question. Has this feeling of opposition to the success of the university under its present management assumed a party character?

Answer. Yes, sir, it had assumed that character. But let me do justice to all, and say that the board of regents who first organized the university after the war did not act wisely or discreetly. They selected some very improper men, and men whom no people ought to have been satisfied with, (there is no doubt in the world about that,) though they selected also some good men; for instance, Mr. Tutwiler, who was selected by this old board of regents to the presidency, is a gentleman of high character and standing in my State. He did not, however, accept the presidency.

By Mr. COBURN:

Question. Is there any opposition there to the education of the colored people in free schools?

Answer. The men who were formerly slave-holders, are, in our section, the most intelligent men of the community. I want you to understand that in saying this, I pay no compliment to the system of slave-holding, because I now think the same about that as you do, though I did not before the war, as I then held slaves. The slave-holders of our country are the most intelligent men, because, as a class, they have had the means of acquiring intelligence. They, as a general thing, are not opposed to the education of the negro. The uneducated white man, and the man who in his sphere of life is brought nearer to competition with the negro—that class of men are, in my opinion, opposed to the education of the negro.

Question. Does that assume a party shape?

Answer. Yes, sir; it assumes a party shape, because in my county there are not more than a dozen white republicans. There have been no negro school-houses burned in my county, so far as I know or believe. The educational interests of the county were in my hands; I was superintendent of education until about the 1st of April, 1871, and I found no obstruction whatever to the establishment of schools. I found lukewarmness in some places, but no positive opposition. My county is one of the most intelligent in the State of Alabama. I doubt whether there is one in the State that is more so. In my town, by my own request, two gentlemen who are democrats were appointed commissioners of our normal colored school. They take an active interest in the institution. Both of them were formerly slave-holders. They are men of high education and

intelligence. I have heard that in the more northern counties, where education among the whites is not so general as in my county, (in my county the whites are nearly all educated, all who were there before the war,) there is opposition to negro schools; and I have seen in the newspapers accounts of the burning of negro school-houses in that section of the State. But there is nothing of that sort in my county. This Mr. Clark, of whom I spoke, told me that he was whipped, and shot and wounded, and stretched up by a rope, simply because he was a teacher of a negro school. That happened in Sumter County.

By the CHAIRMAN, (Mr. POLAND:)

Question. Among the uneducated class of whites, which is pretty numerous, I suppose, in your State, there is opposition to the education of the negroes?

Answer. I think that among them there is opposition to the education of the negroes.

Question. As to the feeling of opposition to the university, which you say has assumed a party form, did that grow out of the incompetency and unsuitableness of some portion of the regents, or did it grow out of the fact that the institution was under republican auspices?

Answer. I think the feeling was attributable to both causes.

Question. How is it with the board of regents now?

Answer. Just two-thirds of our board of regents are republicans. But I do not think that the present board of regents are influenced by political affiliations or political bias in their action in regard to the educational interests of the State. I believe that the people of the State, irrespective of party, will bear me out in saying that no political complexion is given to our action, either as a board of education or as regents.

Question. Does the fact that there is a majority of republicans in the board enter strongly into the feeling of opposition of which you have spoken?

Answer. No, sir; I think not. I was in Tuscaloosa at the time of the reorganization of the university; but I saw no opposition at all. In fact, citizens of Tuscaloosa, most of whom are democrats, were exceedingly anxious that the plan proposed by the republicans should be adopted. The regents were not all present, and one republican went over to the democrats in the action then taken, and defeated our plan. The plan of reorganization proposed by myself was sustained, I think, almost universally, by the alumni of the institution, who were there in large numbers, (brought there by the interest which they took in the institution,) and by citizens of Tuscaloosa. There was embraced in the faculty which I proposed, Mr. Whitfield, a native of the county of Tuscaloosa, and a republican—the gentleman who gave me that instrument and those letters, which I have already laid before the committee. There was some opposition to him; but some of the best men in the town were anxious to see him in the university, although he is a republican.

Question. Is he a southern or a northern man?

Answer. He is a southern man; I think he is a native of Tuscaloosa County. He is a man of very decided ability. In politics he is a republican.

By Mr. BLAIR:

Question. You said that at the first organization of the university there were some appointments of improper and incompetent officers?

Answer. There were.

Question. Who were those officers?

Answer. I would not like to mention the names of the gentlemen. I will make this general remark, that some members of the first board of education were unsuitable persons, and that they made unsuitable selections for the faculty of the university in some instances.

Question. Was a man by the name of Lakin one of the professors?

Answer. Yes, sir; I think he was. I do not know Mr. Lakin; I never saw him; I think he was elected president; that is my present recollection.

Question. Do you think he was a proper selection?

Answer. I do not know him at all; I never saw him.

Question. From his reputation, what do you think on that point?

Answer. Well, sir, in my county you cannot tell from the newspapers what a man's reputation is, or what it deserves to be. I have known efforts to be made to blacken the reputation of some of the best men in the world. If I knew Mr. Lakin, and thought him incompetent, I would unhesitatingly say so. I do not know him. I do not want to say anything which may give this matter a party complexion if I can avoid it. The fact that the democratic press of our State assails a man is no evidence that he is not a good man—a gentleman, a scholar, a Christian, and everything that a man ought to be. That is as true as the Sermon on the Mount.

Question. And if the republican press of your State lauds a man to the skies, is that a proof of an eminent gentleman and a Christian?

Answer. No, sir; I do not think the laudation or abuse of the political press of my State, on either side, is decisive of a man's character. It is a very difficult matter for a man not residing in our community to appreciate the exact state of affairs that we have in the South.

WASHINGTON, D. C., *July* 11, 1871.

Hon. PETER M. DOX sworn and examined.

The CHAIRMAN, (Mr. POLAND.) This witness having been summoned at the request of the minority of the committee, he will be first examined by some gentleman of the minority.

By Mr. BECK:

Question. How long have you resided in Alabama, and what is your official position?

Answer. I reside in Huntsville, Alabama; I have resided there since 1854-5; my business is that of a farmer; my official position is that of a Representative in Congress.

Question. You now hold that position?

Answer. Yes, sir; I was a member of the last Congress, and am also also a member of the present Congress, representing the fifth congressional district of Alabama, the Mountain district, the Union district.

Question. Tell the committee what is the present condition of the State of Alabama, especially that portion of it with which you are personally acquainted, as to the protection and security of life and property there.

Answer. Do you refer to my own county—the county of Madison?

Question. We expect you to tell what you know personally from your experience in your district, and what you know concerning the remainder of the State from such information as you rely upon as true.

Answer. I believe that life, liberty, (including all the privileges that the word implies,) and property are as secure to-day in my district as in any part of the country; I believe that the counties composing that district are as quiet and as peaceable to-day as the old county of Ontario, New York, in which I was reared.

Question. State what counties compose your district.

Answer. Madison, (in which I reside,) Jackson, Marshall, DeKalb, Etowah, Cleburne, Cherokee, St. Clair, and Calhoun. I say that these counties are, to-day, peaceable, quiet, and orderly; I say it advisedly, after conferring with men who have resided there for many years—thirty or forty years. At the same time I must say that there have been outrages committed within that district, within the last three or four years—outrages which no man who would conserve law and order can tolerate or approve. There was an outrage committed in my district last year at Cross Plains; I think it was a great outrage.

By Mr. BLAIR:

Question. In what county?

Answer. In the county of Calhoun. It was an outrage not unprovoked. I recollect that in my last election several men were killed. I can name them. Ben. Snodgrass was killed almost under my eye; Bob. Thompson was killed last year; Ragland was killed in my district, or in one of the adjoining counties; a man by the name of Douglass was killed last January in Jackson County; one negro was killed and one wounded; a white man by the name of Cate was killed. These I look upon as great outrages; but they have had nothing to do with politics. They have been dovetailed and worked up as political murders; but these men who were killed were all democrats, except one. Ben. Snodgrass was killed by a republican; Cate was a democrat; the negroes were democrats; one of them was killed and the other wounded. I have seen some speeches in which the killing of these negroes has been sandwiched between other outrages, as a political outrage; but there is no truth in it at all. Bob. Thompson was a personal and political friend of mine; he was killed by Douglass's friends. Douglass was a personal and political friend of mine. I look upon these outrages as deplorable. But there has been nothing of that kind for many months; I have remarked the contrast between the condition of that people to-day and what it was a year or so ago. As for the Cross Plains outrage——

By Mr. BECK:

Question. Is that the same as the Paytona affair?

Answer. Yes, sir; that is the Paytona affair.

Question. Let us hear something about that?

Answer. I know nothing about it personally, of course. I got my information from Mr. John Tucker, the president of the Rome, Dalton and Selma Railroad, from whose workshops went the men who were killed there, a white man and four or five black men. I was in New York last year when that thing happened. I went down to my district for the canvass, and reached there about a month after the affair happened. Governor Parsons was there; he was acting as prosecutor. Judge Peters was at Paytona inquiring into it. I will give the whole history of it as Mr. Tucker gave it to me, or as I think he would testify if he were summoned here. He is a man of character and truthfulness.

Question. You believe the statement you are about to make?

Answer. I do. Mr. John Tucker told me in my room in this city when he was giving

me an account of this matter, that he could live as peaceably in Alabama as he could anywhere. Referring to this outrage, which was an exceptional outrage, he said it was not unprovoked or inexcusable. About night, one Saturday, a man rode into the town of Cross Plains, and went into the post office either to deliver a letter or to write one. He handed the reins of his horse to a colored boy who was there, saying, "Hold my horse till I come out." The boy took charge of his horse. When the man came out of the office he found his horse gone. He was a man who did not live in Cross Plains, but some distance away. I do not know whether he was a stranger or not; Mr. Tucker did not tell me. The man asked the boy where his horse was. The boy said, "A train of cars came along and the horse jerked away from me; I could not hold him." The man said, "That horse would not get frightened at a train of cars." He slapped the boy in the face—treated him improperly. Thereupon the boy took up a brickbat or stone, ("rock" they call it down there,) and struck this man in the face with the stone, bruising him very considerably. Several persons saw this, and they cuffed and thrashed the negro for doing it; they thought there had not been sufficient provocation for the throwing of the brickbat. Thereupon the boy went down to Paytona, a mile, perhaps, or more from Cross Plains, and told a white man by the name of Luke, and others, about the affair. Luke told those fellows who were down there to arm themselves and come up and burn the town, and show those people that this boy could not be whipped at Cross Plains with impunity. Thirty or forty of them, more or less—I do not know how many; I understood Tucker to say thirty or forty—went up there and "made night hideous." They threatened to burn the town; they fired off their guns; and they raised Old Scratch generally. They kept it up pretty much all night. They then retired and went to Paytona, and did not appear again till the next day in the evening, about the time church was dismissed. At that time they came back to Cross Plains, armed. They fired their guns off, not killing anybody, but in the direction of a congregation as it was coming out of church, there being women and children there. By this time the people of Cross Plains were pretty well exasperated, as Mr. Tucker says, and they seized three or four of these men. They were told that this white man, Luke, or whatever his name was, had instigated the negroes; they seized him also and put him in the hands of the sheriff. Then some of the people, not waiting the slow process of the law, very wrongfully and outrageously executed Luke and the three or four other men who were the ringleaders, believing that those negroes were seriously purposed to destroy their town and slaughter the people. That is Mr. John Tucker's statement to me, and it is corroborated by the statements of other persons down there. I have heard the same statement from different sources.

Question. Was it generally believed by the people there that Luke had given the negroes that advice to burn the town of Cross Plains, and that they had come there for that purpose?

Answer. They did believe it, according to Mr. Tucker's statement. I have in my pocket a letter from a man of character, General Burke, in which he says that Luke had made himself particularly obnoxious. He was a sort of miscegenationist. I will remark right here that if there are any people on the face of the earth who abhor miscegenation it is the mountain people—the smaller planters in that country—the men who live on their places of one hundred or two hundred acres. Burke writes—and I have heard it from other sources—that this man affiliated or fraternized with the negroes socially. I want to say right here to the committee, (and, in doing so, I state my honest opinion, formed after observation and close scrutiny,) that any man, whatever his politics, who goes to Alabama with the motives which should prompt a man in going from one State to another, will be treated kindly—will be received in a friendly way, no matter what may be his politics. But, of course, if he receives colored men and women at his house, he cannot expect to be treated or received as a social equal by the white people; for I should not invite any man to my house (and I suppose every member of this committee would act in the same way) if, when I returned the call with my wife and daughters, they might be placed by the side of probably worthless black men or women. That is about the fact of the matter with reference to the refusal to recognize some people socially. I know a good many republicans in the town of Huntsville to-day, who are treated kindly. Mr. Figgers, the editor of the Huntsville Advocate, is treated as kindly as anybody. Mr. Bradley, a leading republican, Mr. Ben. Jolly, another republican, and a great many others whom I could name, are treated kindly without any regard to their politics.

Question. It has been stated here that it is not safe for republicans to advocate their principles in Alabama by making public speeches in behalf of the republican cause. What is your knowledge and information upon that subject?

Answer. I have heard republican speeches made repeatedly without anybody interfering. Nick Davis has made as decidedly republican speeches as I ever heard any man make in my life. I have heard such speeches frequently from my competitors in the canvass, who were republicans; and they had brought no part of the audience, so far as the white people were concerned. My district is a white man's district; yet I have divided my time at public meetings with my competitors, so far as they wished to

take it, and they have been treated courteously. Yet I knew all the time that I was furnishing the audience. I do not want to be understood as saying that a man who is a republican is as acceptable there and is treated as kindly as one whose sentiments are in accord with those of the mass of the people; and I do not know that the case is different anywhere.

Question. Can a republican speak his sentiments without personal danger to himself?

Answer. I think so; I have no doubt about it. Why, who has been hurt? I have never heard of anybody being hurt there because he was a republican, or because he addressed audiences as a republican.

Question. Did your opponents make an active canvass?

Answer. Yes, sir. My first opponent was Judge Haralson, a circuit judge of that district—a man of great personal popularity. It is true that although he made republican speeches, yet he assailed me because of my Unionism; he assailed me because I did not fight at Shiloh when he did. I do not know but that may have made his reception more easy. But he was very decided in his republicanism.

Question. Who was your last opponent?

Answer. A man by the name of Standifee. As a man he was not to be compared with Haralson, who is a man of a great deal of character and capacity.

Question. Other republicans have also spoken in your district?

Answer. O, yes.

Question. And there has been no case where any man has been hurt for speaking his sentiments?

Answer. I have never known men to be hurt for speaking their opinions. I have heard men denounced on either side. I have been denounced pretty sharply. Old Lakin, for instance, denounced me pretty sharply in a long speech.

Question. Tell us all you know about Lakin.

Answer. I do not know him personally. I never spoke to him in my life. I have met him once or twice.

Question. What is his general character among your people? Let us have all you know about him from any information on which you rely?

Answer. All I know about him from information is that he is a man who is very reckless in his statements, a man exceedingly careless in his utterances. We saw only the brief abstract of his testimony as given by telegraph, but I do not think any people were ever so much astonished as the republicans of Huntsville were when they read that abstract. Mr. James Ware, who is, I believe, a republican, (at any rate he is chief clerk in the office of the probate judge, a republican,) and Mr. Gill told me they never were before so astonished as they were at Lakin's statement that he had not been kindly treated there. It seems that recently, during the last spring, there was a report (so Mr. Ware told me) that Mr. Lakin had been killed; and simultaneously with the reception of that report he appeared in the probate judge's office. "Why," said Mr. Ware to Mr. Lakin, "I am very much surprised and gratified to see you; we heard you were killed." "Killed!" said Mr. Lakin, "who would kill me? I never have been treated more courteously and kindly anywhere than I have been while traveling all over this district." And so he recently told Mr. Day, the clerk of the United States district court. He told Mr. Reed, a republican, (so Mr. Reed informed me,) that he had been shot at somewhere on the mountains, at least he thought he was shot at; he heard the report of a gun and thought he heard the whistle of the ball passing his head, and he was rather inclined to think the fellow intended to kill him. Mr. Reed told him "They shoot a great deal straighter than that here; when they want to kill anybody they are generally apt to do it." This was before we had seen the telegraphic report of Mr. Lakin's testimony. Reed told me, however, just what he would swear to; and I think his remark was that he had a very powerful imagination, would fancy things and believe to some extent what he fancied. I should like very much to have some of those men brought up here, as they know more of Mr. Lakin than I do. I have never spoken to him in my life, and have seen him only twice according to my recollection.

Question. What is his general character, as you have heard it from his neighbors there, as a man of truth and veracity?

Answer. I have not gone about making any inquiries directly as to the truthfulness or veracity of the man, so far as regards whether he would intentionally tell an untruth. But as to his statements I have not seen anybody of either party who says he can be depended upon. I asked Mr. Figgers, the editor of a republican newspaper at Huntsville, "Is Mr. Lakin an honest man?" He said he thought he was honest, but that he was a terrible fanatic. Another man came to me and told me that there was a colored minister (whose name I think was Hamer) of the colored Methodist church South, who was trying to reorganize that church. This man who spoke to me was a freedman, a Methodist, a man of character, a merchant there; and he stated that Mr. Lakin had driven this colored minister off; that Mr. Lakin had addressed the colored people, telling them there was a "wolf in the fold;" and the man had notice a short time after from several of his colored brethren that he must leave; that it would not be safe for him to remain.

I will mention another matter: I have heard that in 1868, a man (I suppose he can testify to this himself if necessary) sent to his sister a firkin of butter. Her name was Mrs. Mary Spillman. There happened to be in Huntsville a Rev. Mr. Spillman, who was of the same school ecclesiastically as Mr. Lakin. Mr. Lakin's family got that tub of butter. A letter had been placed on top of the butter before the head was put on the tub, and this letter was addressed by the man to his sister, telling her that he sent her that butter. He wrote it from some place in Tennessee, where he then was temporarily doing business. Her husband was a mechanic and in reduced circumstances. The man who sent the butter came to visit his family some time afterward, and he asked his sister how she liked the butter. She said she had never received it. "That is very surprising," said he, "it must be at the express office still." He went to the express office and found it was not there, but that Mr. Lakin's daughter, or Lakin himself—I think it was Lakin's daughter—had gotten it and receipted for it. They immediately went to Lakin's house and inquired about the butter. At first Mr. Lakin did not recollect anything about it, as I understood this young man to say. His name is Gill—Isham Gill. The young man said, "Yes, you must have gotten it. Here is your receipt." Then Lakin acknowledged that he had received it, but said he thought it was intended for the Rev. Mr. Spillman; and Mr. Spillman not being there, he knew that if it was intended for him he would have no objections to their having it; and so they had taken it. "Well," said Mr. Gill, "didn't you see that letter on the top of the butter?" Mr. Lakin said that he had seen it, but that it was signed, "Your brother," and that the clergy and members of the church are very apt to subscribe their names as "brother." Gill then threatened him and told him he must pay for the butter. He did pay for it at the rate of fifty cents per pound, when it was only worth twenty-five. He did that in order to compromise the matter. That is the statement of Gill, who is a man of character; and the expressman, whose name is Jarvis, says the same thing.

Question. Mr. Lakin had that loose sort of a way of doing things?

Answer. There was something plausible about his explanation; but at the same time a very conscientious man would not do that sort of thing. I do not think I could ever work my conscience up to such elasticity that I could appropriate things in that way.

Question. Mr. Lakin has given some marvelous accounts about babies being born with all sorts of marks of the Ku-Klux about them. Have you seen anybody who has seen any of those monstrosities?

Answer. I saw something in a paper about a monster of some sort that had been born down in Blount County—not in my district. Whether it was in the shape of a Ku-Klux I don't know. I never saw a Ku-Klux in my life. I never knew but one man that I thought was a Ku-Klux. I do not believe that there has been any such organization as the Ku-Klux in my neighborhood for two years past. I am satisfied there has not been. I am convinced, however, that there were Ku-Klux organizations two years ago, and they did some things which were very wrong. I always condemned and denounced them on the stump during my canvass, and everywhere else, as I do every other sort of irresponsible, lawless action. I never saw but one man that I thought was a Ku-Klux. I will state the circumstances: My wife, who is a very religious lady, taught her negroes before the war—before slavery was abolished. There were very few of my family negroes who could not read and write. My mother-in-law and my wife would teach them. About the time it was reported the Ku-Klux were about, it was said that my wife was teaching her negroes. She always did teach them. A man at that time came to me and said that we must stop. Of course I was indignant. I said, "What business is it of yours what we do here?" This was, I suppose, three years ago—in 1867 or 1868. The man replied that Elijah Fitch had been notified that he must not do this thing, and that I would be notified too. I remarked to him, "If you come with your Ku-Klux to my house, I will pull your masks off your faces and the sheets off your horses at the peril of my life." I went and told my neighbors of the affair, and there was a general denunciation of that man and of everything of that kind. I think that incident smashed up, so far as that little locality was concerned, any Ku-Kluxing. That is the true way of meeting such things.

Question. Within the last two years have there been in your region of Alabama any bands of disguised men committing outrages?

Answer. We have had thefts around there. Everybody who commits any offense disguises himself in some way. Night itself is a mask. I have heard of robberies being committed by disguised men—sometimes negroes disguised—sometimes white men disguised—worthless scoundrels who undertake to commit depredations, but whose acts are not political in any sense.

Question. Do you understand that the men committing these acts have been in any way connected with any organization apart from those who were immediately concerned in the outrages, and who disguised themselves to avoid detection?

Answer. Not so far as I am advised or believe. I will state my theory about the Ku-Klux organization. Of course I know no Ku-Klux; I never consciously saw one in my life. My theory of the original organization of the Ku-Klux is this: At the close

of the war the colored people had just been made free, and, I will say here, that I never knew any people to behave better than the colored people did under the circumstances. Their behavior far exceeded my anticipations. But after the war the colored men moved in armed bands throughout the country. I have seen parties of ten or fifteen pass my house. At night they would pass, talking not only loudly but almost menacingly. Women and children were alarmed. I have known colored men to stand right in front of my house and shoot in the direction of the house at a mocking bird in a tree. These men were all connected with what was called the Union Leagues or Loyal Leagues, and they were all armed. They would ride night and day in parties of ten and fifteen. Such things were suggestive of apprehension and alarm, especially to the women. I have heard these parties, when passing my house at night, denounce me in very strong terms. I was not alarmed. I am not easily alarmed at threats of that sort, but my wife was very much alarmed.

Question. Were those denunciations of you evidently intended for your ear?

Answer. Yes, sir. For instance, they would say, "Here lives the damnedest meanest man that ever was; he won't let us go into his orchard and take peaches; we'll fix him." That was the sort of talk. I was not at all alarmed. I considered it a mere *brutum fulmen*. I have myself gone and disarmed four or five of them without any trouble, just by a determined bearing and letting them know that I was not to be intimidated. Well, the Ku-Klux organization, in its beginning, was a mere local police, improvised for the purpose of correcting that sort of thing. It went further afterward. In 1868, in Huntsville, there was a large meeting of the republicans, colored people, and it was said (I was not there; I live eight miles from Huntsville) that the Ku-Klux went into town, and at the very apprehension of them, without seeing them or without being interfered with, those fellows at the meeting began to fire, and they killed one another indiscriminately; some seven or eight were killed by the firing among themselves. The Ku-Klux had nothing to do with the killing; they were away off in another place. But they were terrible-looking fellows. I have heard people say that they never saw persons who could drink so much water; that one of them could drink a whole bucket of water. In other words, they touched upon the superstition of the colored people by making it appear that they were the spirits of the confederate dead.

By Mr. BLAIR:

Question. This man Lakin gives an account of the meeting to which you refer—the one held at Huntsville in 1868. He represents the Ku-Klux as having attacked the negroes while they were holding their meeting.

Answer. Well, sir, he is mistaken about it, or misrepresents the facts, if my information is correct.

Question. You were not in town at the time?

Answer. No, sir; but I was there the next day. The received opinion does not agree with Mr. Lakin's statement. I have no doubt that the Ku-Klux coming in there caused the rumpus, but it was not a necessary result, according to what I have heard. I had no personal observation or knowledge of that meeting.

Question. Mr. Lakin refers to that meeting at some length, and describes it in this way: "At about 10 o'clock about one hundred and fifty disguised men rode into the public square, from the southeast corner, and made a circle around the square. They were followed by numerous persons on foot, undisguised." He then says that they were picketed all around and commenced firing upon the crowd.

Answer. He is mistaken, or misrepresents the facts, or else I am grossly misinformed about them. I think the firing was by parties in the meeting, or on the outside, not disguised. There was a panic, and I think the firing and the killing were the result of that panic. There was a man named Cox who was shot, and also a Judge Thurlow. The killing resulted from a careless, indiscriminate, wild kind of shooting, consequent upon a panic there.

Question. Mr. Lakin also says: "The military were ordered out for the protection of the people. Four Ku-Kluxes, or persons, were arrested with their disguises in their saddle-bags, and with all their arms. General Ruger disarmed them, and handed them over to the civil authorities, taking charge of their disguises and arms. The civil authorities let them loose; they were rearmed by persons unknown to me, and went to the livery stables and forced the men there to give up their horses, and then they disappeared."

Answer. I never heard of that.

Question. Is it likely that such a thing would have occurred there without coming to your knowledge?

Answer. I should think not. It seems to me that I would have heard the names of the men who were arrested. Ruger I knew very well. I was in constant intercourse with him. I cannot undertake to contradict Mr. Lakin's statement, but I never heard that statement of the matter before. I did not live in Huntsville at the time.

Question. He says himself, upon cross-examination, that the Ku-Klux did not fire at all; that the persons undisguised on the streets did the firing.

Answer. That is so.

Question. And that the Ku-Klux were there as a reserve or a defense.

Answer. I cannot speak as to that. I reckon they were there, not in connection with anybody, but that they came in on their own account. I heard that they went around the square, but that at the time of the firing they were some distance away. When Mr. Lakin says that the firing was by persons not belonging to the Ku-Klux, he is right.

Question. But he intimates very strongly, or in fact says distinctly, that though the Ku-Klux did not do the firing, they had confederates in the crowd who did the firing, and that the Ku-Klux were there as a reserve.

Answer. Does he mean confederates directly in reference to that firing?

Question. Yes, directly in reference to that transaction.

Answer. Well, I believe it to have been an improvised thing. There is with the people down there an unfortunate habit of carrying arms. Almost everybody carries arms; I do not know anybody but myself that never has done so. I say that it is the most unnecessary thing on the face of the earth. I have seldom known anybody killed in a personal rencounter where it was not from an apprehension, generally an unfounded one, that the person committing the deed was going to be hurt. I never carry arms. I travel all over the country, meeting everybody, and hesitate not to express my opinions as a Union man. I did it before the war and during the war, and I never had any trouble. But unfortunately almost everybody down there carries weapons. Hence what would be a mere fist-fight in the State of Vermont becomes a pretty serious business down there where men carry arms. Every man who knows the southern people knows that that sort of thing is carried too far. These homicides to which I refer are the result of that very improper practice which the southern people have of carrying arms on their persons. A young man, a particular friend of mine, named James K. Polk Wright, was killed by the son of the radical sheriff of Madison County. He and the sheriff were both intoxicated; and, by the way, liquor helps a good deal in causing these troubles. I think if we could get rid of the bad liquor and the carrying of fire-arms, we would avoid a great many of these homicides. Wright was a young man for whom I had a great attachment. During the war I got him out of prison some time before the general order for the release of prisoners. He was a great friend of mine, and I was very much shocked and grieved at his death. He got into a personal difficulty with this sheriff. They came to blows, and Wright, who was an active young man, had the sheriff down. The sheriff's son saw his father in that situation; and down there I believe they consider it a legitimate business for a man, when his father is down, to kill the fellow who is on top of him. The sheriff's son, at any rate, did kill Wright; and it was considered a justifiable homicide. Wright was a magnificent young fellow. He had the unfortunate habit of "spreeing" occasionally; but in other respects he was a remarkably fine young man, and his death, I think, was a great loss. But nothing was done in that case. That is one of five or six cases of homicide that have occurred in my vicinity and under my observation within the last two or three years.

By Mr. BECK:

Question. You spoke of a Mr. Day; I see that Mr. Lakin, in his testimony, on page 154, when asked who was the prosecutor of that county, said that Mr. Day was; now, I understood you to speak of Mr. Day as the clerk of the court.

Answer. Mr. Day has never been the prosecutor. He is the clerk of the United States district court. The gentleman to whom I refer is Captain Day or Major Day, a highly respectable gentleman, who fought all through the war on the side of the Union. He says Mr. Lakin told him that he had been treated with great courtesy and kindness.

Question. In the testimony Mr. Lakin is asked, "Who is the prosecutor of that county?" And he answers, "Mr. Day."

Answer. L. W. Day is the clerk of the United States district court. The prosecutor of that county is Captain William Whedon.

Question. Has there ever been a prosecutor in that county named Day?

Answer. Not according to my recollection; and I think I would know it if there had been such an officer, because I was a lawyer myself twenty-five years ago, and I am somewhat observant of these things. Last year, when I was in the county of Cherokee, where I had heard there were Ku-Klux, Mr. Lakin held a four days' meeting at a little place called Galesville. He was a sort of presiding elder of the conference running all through those counties. At Galesville, as I had heard before, there were some boys, from sixteen to twenty, sowing their wild oats, who would disguise themselves, and when they found a white man living openly with a negro woman, or anything of that kind, would intimate to him that they would thrash him. That sort of Ku-Kluxing did go on there. Mr. Lakin was there. He was known to be a man who fraternized with the negroes. This was a white settlement; there were very few negroes there. I recollect that he left there before I got through with my appointments in that vicinity, and that he went off alone undisturbed. Some one asked about Mr. Lakin; said I, "Stop this Ku-Kluxing, above all things; if you will Ku-Klux, don't Ku-Klux while I am around here; but I advise you to stop it altogether." Mr. Lakin is himself a living refutation of the statement that a man cannot live safely in that community and do very much as he pleases.

By Mr. BLAIR:

Question. You say that Lakin had the reputation of fraternizing with the negroes?

Answer. I mean that he would seat them at the table with him—men and women. That is the reputation he had. I do not know that it went any further than that; but at the same time it savored very much of what folks down there do not like.

Question. You mean it savored of promiscuous intercourse?

Answer. I do not mean to say it amounted to that; I do not know it; I only say that there was that sort of social equality going on and carried much further than abolition ever went. The truth is that if a white man goes down there from the North, with such ideas as to his associations, he is not going to be received socially by respectable white people. I am a Union man, and in favor of freedom and everything of that kind, but no man should come to my house unless I would go to his; and I would not visit any man's house where, if I took my wife with me, I might expect her to be placed side by side with a worthless negro, introduced there perhaps simply because he was a negro. Distinctions of color in these days, as I have observed down there, are sometimes rather strong in the wrong direction.

Question. What is Lakin's reputation in the community?

Answer. I think he has emphasized his character a good deal by his testimony, as the telegraph abstracts it—more than he did in any other way. His character was that of an intermeddler; a man who was doing a good many things which were offensive to the common sentiment of the best people there; not those who are lawless. I have never seen him but once or twice; twice, I think. I have a great many personal friends among the republicans there; some of them vote for me. But Mr. Lakin never could be a friend of mine. From my knowledge of his character, I should not permit myself to be introduced to him. At the same time, as I know nothing of him from my own knowledge, it is possible I may do him injustice. But the impression which has been made upon my mind in regard to him is such that I would not be introduced to him.

Question. You have stated his general reputation and associations in that community?

Answer. Yes, sir. There are others who know him a great deal better than I do—men of his own party, men who vote as he votes. I can name them, and you may cite them if you choose. I would name Mr. James Ware, Mr. Figgers, editor of the Huntsville Advocate, Mr. John Reed, Mr. Day. These gentlemen know a great deal more about him than I do. They have talked with him; I have not.

Question. Mr. Lakin went there, as I understand, as a minister, or elder of the Methodist Episcopal Church North. Was there not some feeling between that church and the Methodist Episcopal Church South?

Answer. Yes, sir. The colored Methodist Episcopal Church South, which was organized before he came there, was broken up by him and others working with him. A colored minister named Hamer, who was endeavoring to get together the colored members of the Methodist Church South, was, as I have been told, denounced by Mr. Lakin as a "wolf;" and afterward, in consequence of that sort of instigation from him, Mr. Hamer was notified that he must leave, for he would not be safe there. He did leave.

Question. There were excesses practiced by both of these parties in their church zeal against each other?

Answer. I know very little about it. I have lived out of Huntsville a good while. I have heard, without giving much attention to it, that there was a great deal of that sort of disturbance; threatening, wrangling, quarreling. But I have not witnessed any of it, and cannot testify to it from any knowledge I have on the subject. I only know that I have heard that this man Hamer was driven off at the instigation of Mr. Lakin.

By Mr. BECK:

Question. Has there been in your part of Alabama any difficulty about the negro voting the democratic ticket? Has there been any interference by people of his own color, if he attempted to do so?

Answer. The only intimidation I ever heard of in late elections was the menaces employed to prevent colored people from voting the democratic ticket. There were two freedmen who voted for me in my first election. One of them, Preston Pope, a most intelligent man, who was my foreman, came to me after the election and told me that he had left town before sunrise and not returned until after dark, because they intimated to him that he must not vote; that if he did, the personal consequences to himself would be serious. That thing has happened very frequently. You have heard of "repeating" at elections. One of Jere. Clemens's boys voted six times in the last election unchallenged, and the votes were counted.

Question. Why did you not challenge under such circumstances?

Answer. We have no right to challenge; the law does not allow it. No one except the officers and those voting are allowed to come within thirty feet of the polls. I have been told, "Mr. Dox, you are too close; you are within thirty feet;" and I have been ordered away. I have said to the sheriff, "Get your tape-line and let us see." We can-

not challenge anybody, either on the registry or in the election. The law will not allow it. How are you going to convict them? These fellows are advised that they can "vote early and often." I have never been so shocked in my life as I have been at the "repeating" at elections down there. I do not know but that some of our folks do it also. After Jere. Clemens's boy had voted six times, Nick Davis, a staunch republican, got up and made a speech, and told them that such things would have to be punished; that they were going a great deal too far. Others voted two or three times. I have sometimes been humiliated to see how the people down there have been subjugated. At my first election I absolutely had to bow under a bayonet in order to get round to the little shed where my vote was to be cast. A fellow was standing there with a musket and a bayonet, and colored men who came from Limestone County, not in my district, were permitted to vote at the front door, while I had to go to the back window, [illegible] my vote.

[illegible] to your recollection, for negroes voting [illegible] threatened or maltreated?

Answer. I have heard of it a great many times. I provided for manumitting my negroes in 1857 or 1858, or before the war, and so did my wife. Most of the negroes were hers; I had but four or five. We manumitted them and provided for their support. Yet recently, when I came to be a candidate before the people, those negroes were told if they [illegible] I could [illegible] get them back into slavery! The negroes will naturally [illegible] and [illegible] if they are not intimidated. [illegible] of them and properly so, because they want that sort of [illegible]. I never have [illegible] man who would want the negroes, [illegible]. And I did very few in those days who would [illegible] speech [illegible] to-day; but I have [illegible] any man but one (and he was a fool of a fellow) who approved that sort of thing.

Question. Do you know whether the negroes in your region of Alabama were induced to vote the republican ticket by promises of land and other property, provided they did so, and by threats to put them into slavery if they did not?

Answer. Negro voters have told me that such promises had been made to them, and that they were threatened that they would be put into slavery again. But I did not place a great deal of trust in that. They told me so themselves, several of them did.

Question. What effect has been produced upon your people in the way of causing discontent, by your election laws, by the way your constitution was imposed upon you and officers appointed under the power that created that constitution, and by the general management of your political affairs?

Answer. Those things have had a very bad effect; but I hold the white people responsible to a large extent for that. Our people were in favor of voting at the election upon the adoption of the constitution; but Ex-Governor Parsons came down there as an embassador from Mr. Johnson, (at any rate he was so considered,) and advised that we should not vote. The course which he advised was very much against my wishes. I was not in Montgomery at the time; we are almost as far practically from that place as from Washington. But Judge Richard Walker was sent down as our representative; and he came back and said that it was under the influence and by the counsel of Governor Parsons that the non-voting policy was adopted—very much to our disgust. But for that we would have had two-thirds of the officers of the State. Of course, the men who were chosen, under the circumstances, were in nine cases out of ten men entirely incapable of filling office properly. The probate judge of Madison County (I do not know how far he has accomplished himself in the business by this time) was a common jack-plane carpenter from Oregon. The sheriff could not make a return of process that anybody could read. I had a photograph of one of his returns which I would have been glad to show to this committee. Those are specimens of the officers we have had all through that State, so far as my observation is concerned. There were, of course, exceptions. Judge Haralson is a man of capacity; but he was a circuit judge before that election. I do not hesitate to say—I said it in a speech in Congress last year—that there is not a town or county in New York or New England that would for a moment permit the kind of men who are occupying offices down there to hold any respectable public position.

By Mr. BLAIR:

Question. Do you attribute the present quiet and peaceful condition of affairs in your State, as contrasted with that prevailing a few years ago, to the fact that the people are reclaiming the power of the Government?

Answer. Yes, sir. Although Governor Lindsay is not the greatest governor in the world, I think the fact that we have obtained control of the State administration has had a most favorable effect. We feel as if we had something to do with making and administering the laws by which we are governed.

Question. And some security under them?

Answer. Yes, sir; and security under them. I think the change in the political control of the State has contributed very much to this result. I have never seen anything to satisfy me that the people were not secure there at any time. Dissatisfaction exists,

of course. The condition of the community has been that of a subjugated people. The people of Ireland have been enslaved, as they regard it, but they have not been subordinated to an inferior race, manipulated by a debased instrumentality—corrupt, bad men, who have no homes, or, if they had, were driven from them. Such a condition of affairs is appalling.

Question. The portion of country in which you live—the northern part of Alabama—was, to a great extent, for the Union?

Answer. Yes, sir; two-thirds of it.

Question. Before the war and during the war?

Answer. Yes, sir; and they are for the Union now.

Question. How are those men classed politically who were Union men at the outbreak of the war and during the war?

Answer. They are democrats.

Question. The great body of them?

Answer. Yes, sir; the great body of them are democrats. My county—Madison—was, before the war, the largest slaveholding county in the district, the only one that really was a slaveholding county. The white and the black vote in my county is very nearly equal. According to my recollection I received in my county 2,090 white votes and 100 black votes, while my competitor received about 2,000 black votes and perhaps 150 white votes.

Question. Before the war the majority of white people in your county were Union men?

Answer. Yes, sir; decidedly. They elected Jere. Clemens to the convention of 1861 as an opponent of secession.

Question. And it may be said, without any kind of doubt, that the whole of North Alabama was, by a large majority, for the Union?

Answer. Yes, sir; decidedly.

Question. And not only before the war and at the outbreak of the war, but during actual hostilities?

Answer. I cannot say but that during actual hostilities many of them were forced or pressed into aiding the rebellion in some way; but I have never seen a man there who did not receive with seeming approval my denunciations of secession and the spirit of secession.

Question. Do you not know it to be a fact that the Federal Government enlisted large bodies of men in your part of the country?

Answer. Yes, I know it did; not exactly in my section, however. It was in those counties south of Tuscumbia. There were some enlisted in my region. But you cannot sit down and talk to a man there without finding him denouncing secession. But for the unfortunate effort to implicate Jefferson Davis in the assassination of Mr. Lincoln, I believe he would have been in as absolute obscurity almost as it is possible for any man to be; I believe that all that he has got of the martyr's stamp or impress was gotten by him in that way.

Question. Those men who went into our service from that section and are there now, how are they classed politically? Do you know any of them personally?

Answer. I know very few of them. All I know is that I was elected by more than 6,000 majority; and I scarcely know where any white man can be found there who does not vote with the democrats. The other northern district of the State, from which Mr. Sloss was elected—the Tuscumbia district—would have given Mr. Sloss 10,000 majority if proper effort had been made. Those two districts together are, if rightly worked, good for 18,000 democratic majority, provided the negroes are not too much intimidated for the purpose of making them vote against the democracy. Those mountain counties—the white men's counties—are for the Union; there is no doubt about that.

Question. Do you know anything about Winston County?

Answer. That is away down in Mr. Sloss's district, and I know very little of it; it is a remote county.

Question. It has been stated that that is the only county in your State which gives a white majority for the republicans.

Answer. Is anybody certain of that? I suppose it may have given such a majority once or twice; but it was because the county was not attended to at all, I mean in any legitimate way. I think that Winston to-day is a democratic county.

By Mr. BECK:

Question. Speaking of the discontent among your people, growing out of the manner in which the constitution was imposed, the sort of officers forced upon you, and their mismanagement of State affairs, does this discontent amount to discontent toward the Government of the United States, or toward the administration of it by the party who are in power?

Answer. I do not hesitate to say that the day after the surrender at Appomattox, covering an absolute surrender of everything like secession, the abolishment of slavery was as

thoroughly expected by the people of the South as anything was ever expected by them; and I believe that the discontents and dissatisfactions have resulted, not so much perhaps from the actual pressure or persecution, as from an apprehension that they are to be constantly interfered with; that legislation of the General Government in reference to our affairs is to be repeated again and again. We do not know where we stand. Our minds are in an unsettled condition. As a Union man I came out for universal amnesty when the war ended. I saw around me there men as capable as any in the country of filling the highest positions; I knew that those men had surrendered all hostility to the Government; I thought that the people ought to have an opportunity to elect to office men of their own choice. I believe that if upon the close of the war the policy of universal amnesty had been adopted, as an accompaniment to the abolition of slavery, and the repeal of all ordinances of secession and laws consequent upon those ordinances, the South would to-day be fifteen or twenty years in advance of what it is, with respect to the restoration of peace, prosperity, and general contentment.

Question. What would be now the effect of universal amnesty among your people?

Answer. What would be the effect of universal amnesty among the people of Alabama to-day? Why, sir, do you know the extent to which people there are excluded from office?

Answer. I think I do.

Question. Do you know that every commissioner of highways, every constable, every man of those who have had the control of the local affairs of communities, is excluded from public position? Why, sir, if the disfranchisement were applied only to large classes of active rebels and removed from these cross-roads men, justices of the peace, commissioners of highways, and men of that class, the effect would be wonderful. I have very great doubts whether but for the exclusion of these smaller men from office the republican party would not have had the ascendency there, particularly in our section of country, where there is such a strong Union sentiment.

By Mr. BLAIR:

Question. The people regard the policy as one of proscription?

Answer. Yes, sir; they so regard it. We do not care anything about Mr. Jefferson Davis's proscription. But here is, perhaps, Mr. Thompson, who has held the office of constable, and Mr. Johnson, who has been overseer of highways, and other men of that class, who cannot hold office, because they took an oath to support the Constitution of the United States, and perhaps gave clothing or horses to their sons when they were conscripted into the confederate service. Sometimes I feel very much as if I would pledge myself to resign my office if the general amnesty policy were adopted, so as to give the people in my district a chance to elect somebody whom they may prefer. I feel now as if it were a sort of "Hobson's choice" with them, though they have given me a big majority. If I should ever have another chance, I would like to run against one of those confederates. It would be a good test.

Question. I take the present system in the South, almost all chances of ability are excluded from office?

Answer. Yes, sir.

Question. And the State is robbed the benefit of its best talent?

Answer. Yes, sir.

Question. And of course much of the discontent is due to that fact?

Answer. Yes, naturally and legitimately.

Question. Does not the dissatisfaction extend beyond those who are themselves excluded? Does it not extend to the community generally?

Answer. Certainly; it affects not only the men who are excluded, but the community generally. For instance, by this policy I am prevented from voting, perhaps, for the man of my choice—a man who stands by me and whose counsel and aid I want. I am not allowed to vote for the man of my choice—the man whom I would really prefer to represent me.

Question. It has been stated in some of the testimony here that if the class of men who were under disabilities were disposed to do so, they could produce a great quiet, overawe the Legislature, and put an end to these outrages. What is your opinion on that point?

Answer. I have not heard one leading man of that county who did not denounce Ku-Kluxism. Those men have done all that poor human nature could be expected to do under the circumstances. They are proscribed and excluded from office. The people there are subjugated. For instance, when Busteed first came there to hold the United States district court, one would have thought, from the apprehensions expressed, that an earthquake or something very terrific had come; and he did hold the people up very sharply. We did not know hardly what we might not expect. For instance, if a man smoked a cigar anywhere within the neighborhood of his court-room, he would order that cigar to be put out. A man who in the court-room would put a chew of tobacco in his mouth would be ordered to take it out, and told that he must

not spit on the floor. If a man would sit in one chair and lean over upon another, Judge Busteed would order him to sit up straight. The judge, however, as I understood, got over that. I have not been in his court myself for a long time. Once when I was in his court-room I closed my eyes, as I sometimes do when I am thinking, and his lacquey told me I must not sleep in the court-room. I was not in the view of the court either; I was hidden by a bench, as it were. I got up and left the court-room, and have not been there since. Such things may seem amusing, but they are a little humiliating. Judge Busteed told Judge Humphries—the Judge Humphries now in this city—that he must not be playing his gymnastics in his court; that he must go round when he wanted to get out of the bar. That may have been all very well. There was a good deal of laxity there, and Judge Busteed's course has improved the manners of the bar considerably; I will give him credit for that.

By the CHAIRMAN, (Mr. POLAND:)

Question. I want to inquire somewhat in regard to this Mr. Lakin. You are aware, I suppose, of the occasion of the split in the Methodist Church of the United States?

Answer. Yes, sir.

Question. The Methodist church in the Southern States went off from the general organization, and established a separate organization—the Methodist Church South?

Answer. Yes, sir.

Question. And the ground of this division was the subject of slavery wholly, was it not?

Answer. So I regarded it, and so it was accepted, I believe.

Question. There was no question of doctrine or theological opinion that divided them at all?

Answer. Not as I understand it.

Question. You understand that the Methodist Church South held precisely the same religious faith in all respects as the Methodists of the North, except upon this subject of slavery?

Answer. Yes, sir.

Question. Do you know how Mr. Lakin came to go South?

Answer. No, sir; I know very little of Mr. Lakin. I have heard that a Colonel Shirk, a republican, who came from Peru, Illinois, as I understand, said that Mr. Lakin had been suspended, not deposed, but suspended by reason of some act, which was not exactly ecclesiastical or becoming a clergyman, and that he came South, not under any cloud so far as I have ever heard, but probably by the advice of his ecclesiastical superiors. That is the impression I got from my informant.

Question. Did you understand that he had got out of ministerial employment at the North?

Answer. Yes, sir; I understood he was at the Five Points Mission, in New York. There this thing was done, whatever it was, which disturbed his ecclesiastical relations somewhat. He then went to Peru, Illinois. There, as I learned from my informant, (who is named Van Valkenburg, and who obtained his information from Colonel Shirk, a gentleman living in Peru,) his relations to the church were not as close as a minister in good standing would desire to have them.

Question. Do you not know, or have you not understood, that Mr. Lakin was sent down into Alabama by the Methodist Conference of the North—that he went to Alabama under the authority of the Methodist Church North—that they sent him there?

Answer. My wife is a Methodist; but I am not very——

Question. Have you not heard that that was the fact?

Answer. No, sir; but I do not doubt that he went there with some authority from somebody.

Question. Do you not understand that he was sent down into Alabama by the Methodist Conference, the ecclesiastical authority of the Methodist Church North, for the very purpose of furthering the interests of that church, and attaching the Methodists in Alabama to the Methodist Church North, and that he went clothed with proper ecclesiastical authority for that purpose from the Methodist Church North?

Answer. Well, I have no information on the subject. I suppose he went down there authorized by somebody, authorized perhaps by some responsible ecclesiastical division of the church. I do not know anything to the contrary.

Question. What you stated before rather seemed to imply that he was a refugee?

Answer. I did not mean to intimate that he was a refugee. I stated that this gentleman from Peru, Illinois, a republican, told my informant that Mr. Lakin was, at one time, in ecclesiastical, not disgrace, but suspension, by reason of something he had done.

By Mr. BLAIR:

Question. What was the nature of the transaction?

Answer. I do not know.

By the CHAIRMAN, (Mr. POLAND:)

Question. Do you not understand that when he went to Alabama he went under the authority of the Methodist Church North?

Answer. I have not any doubt about it.

Question. Then he was not a refugee, and he did not go down there to escape ecclesiastical censure or punishment?

Answer. I do not know that he did. If I made any suggestion in that direction at all, it was to this effect: somewhere a minister may do acts which will impair his usefulness where he has been living; evidence of reformation may be given by him, and it may be suggested to him ——

Question. The purpose of my inquiry is to ascertain from you whether you did not know, from information or otherwise, that he went down there accredited by the ecclesiastical authority of the Methodist Church North?

Answer. I do not know anything to the contrary, and I think he probably did.

Question. Do you not understand that to have been the manner and reason of his going to that State—that he went there clothed with such authority as could be given to him by the ecclesiastical authorities of his church?

Answer. I have no reason to doubt it.

Question. You have been inquired of concerning the character of Mr. Lakin, whether he did not sustain a bad character. Now, what do you know, or what have you heard, against the character of Mr. Lakin as a Christian minister?

Answer. Well, my impressions of Mr. Lakin's character as a Christian minister have been—I know nothing personally about him ——

Question. State any information that you have?

Answer. My information is this: I saw that it was stated by him that he could not be safe down there; that he was not treated right ——

Question. I want you to lay aside his testimony; I do not want you to refer to that. I want you to fix your attention on his character as a man while he was there before he testified. Have you any information that Mr. Lakin ever committed an act or did a thing that was derogatory to his character as a Christian minister?

Answer. Knowing Mr. Lakin as little as I do, the impressions made upon my mind as to his character, from what I have heard of him, have not been favorable to him at all.

Question. I want you to be specific.

Answer. I want to be specific.

Question. What act did you ever hear of Mr. Lakin committing that was derogatory to his character as a Christian minister?

Answer. I cannot say that I have heard of any specific act derogatory to his character as a Christian minister. The general habit and practice of the man is fraternization with colored people. It would depend altogether upon a man's stand-point whether that would be regarded as favorable to his character. Then he told marvelous stories about [illegible] being shot at; I am not talking about his testimony, but about what I heard before he gave his testimony.

Question. You understand that his mission in Alabama was to attach, so far as he could, the Methodist people in Alabama to the Methodist Church North? They did not call it the "Methodist Church North," but the "Methodist Episcopal Church."

Answer. Yes. I suppose his mission in Alabama, whether he was assigned specifically to that [illegible] to bring [illegible] ecclesiastical told of the Methodist Church the colored people [illegible] Methodists generally.

Question. Very likely it was suggested that much the largest number of those whom he would get to attach themselves to the Northern branch of the Methodist Church would be colored people, but do you understand that his efforts were more directed to getting [illegible] than the white Methodists?

Answer. Yes, sir: that is my impression, distinct and emphatic.

Question. That he was not to attempt to secure the white Methodists of the South at all?

Answer. That is my impression as to his mission.

Question. You understand that he did organize a very considerable number of churches down there?

Answer. Yes, sir.

Question. Do you understand that they were exclusively colored?

Answer. No, sir, I do not; but where the colored settlements were, they were, I reckon, nearly so; I cannot say they were exclusively colored.

Question. There were more or less white Methodists in Alabama?

Answer. Yes, sir; in what are called the white counties.

Question. Then do you understand that his special purpose was to secure colored people to attach themselves to the Northern church?

Answer. That is my impression.

Question. It is true, I suppose, that the great majority of those whom he succeeded in detaching from the Methodist Church South, and attaching to the Methodist Church North, were colored people?

Answer. I think so.

Question. Would you not naturally expect that if a man went down upon a mission

of that sort, his business and his relations would be among those people whom he was endeavoring to convert and bring under the influence of the denomination or organization to which he belonged?

Answer. Certainly. My impression has been, that there was associated with Mr. Lakin's ecclesiastical mission a political mission.

Question. Do you understand that he was sent there by any political party?

Answer. No, sir; I do not know that he was; but it might be difficult to separate the two functions.

Question. You have said that the great charge against him was, that he fraternized with the colored people? What do you mean by that?

Answer. Well, social equality; receiving them on equal terms at his own table and otherwise.

Question. Considering his mission and purpose, was there not hardly anybody else that he could fraternize with?

Answer. A missionary to the colored people might fraternize with the white people.

Question. If he went there for the purpose of detaching them from the Methodist Church South, and to attach them to the Methodist Church North, would he have been acceptable to the white people?

Answer. I do not think he would.

Question. The white Methodists of the South continued, as a general thing, to maintain their relation to the Methodist Church South?

Answer. Yes, generally.

Question. Do you think they would have fraternized with, and fellowshipped, a man who had gone there for the purpose of detaching Methodists from the Southern church, and attaching them to the Northern church?

Answer. I do not think that any mission, looking simply to ecclesiastical effort, would deprive a man of social position.

Question. Do you believe that the white Methodists of Alabama, who continued to maintain their relations with the Methodist Church South, would have received and fellowshipped him as a Christian minister when he was there for a purpose that they regarded as hostile to their church organization?

Answer. Of course not, if you put it in that way; but, at the same time, a man might go down there for the purpose of acting as a missionary among the blacks ——

Question. I am supposing that he was there for the purpose of detaching Methodists from the Southern branch of the church, and attaching them to the Northern branch. Now would any white Methodist, who retained his relation to the Southern church, have fellowshipped him as a Christian minister, under those circumstances?

Answer. I think not.

Question. Then he had nobody else to fraternize with except the colored people?

Answer. Oh, yes; he had others to fraternize with. They are not all Methodists down there. There are a great many men who do not belong to any church.

Question. Would southern white people, no matter what church they belonged to, fraternize with a Christian minister who had come down there for the purpose of detaching Methodists from the southern branch of the church and attaching them to the northern branch?

Answer. Southern white people, as everybody knows, who knows anything of them, will not visit socially, as equals, men who fraternize with the blacks and treat them as social equals.

Question. I want to lay that matter out of the question. If the very purpose and mission which Mr. Lakin was there to carry out (not saying whether it was right or wrong) was to detach a portion of the Methodists from the southern church, and attach them to the northern church, would not that fact have created unfriendly relations between him and the white people generally of all denominations?

Answer. Well, it naturally and probably would have had that influence.

Question When you use the phrase "fraternizing with the blacks" do you mean to imply that there was anything criminal or in any respect immoral in Mr. Lakin's relation to the colored people?

Answer. I never heard any such thing; or, if I have heard it, it made no impression upon me.

Question. From the position that he occupied down there, was he not necessarily thrown into relations with the black people, and mainly with the black people only?

Answer. No, sir; I do not think he was, except perhaps in the county of Madison and a portion of Marshall.

Question. There has been a great deal said about Mr. Lakin, and as you come from the vicinity where he resides, I want to get a full exposition of this whole thing. I want you to state whether you have heard of any act or thing done by Mr. Lakin, while he lived in Alabama, that was in the slightest degree derogatory to his character as a Christian minister?

Answer. Independently of his testimony and all such things?

Question. Yes, sir.

Answer. I have not. It is due to truth to say that I have not. I have heard imputed to him this thing or that, but I have not heard anything which I can emphasize, which I can fix upon.

Question. Do you not believe that this alleged bad character of Mr. Lakin, about which inquiry has been made by other members of the committee, has grown out of the purpose for which he went there, and the necessary relation which he occupied to the black people in order to carry out that purpose?

Answer. No, sir; not entirely. As I have said before, I have heard these reports and these rumors, which seemed to be well founded, of a disturbance of his ecclesiastical relations in the North.

Question. That did not affect him down there, I suppose?

Answer. It might have affected him down there.

Question. I am talking of what he did in Alabama?

Answer. O, I do not know anything of that sort.

Question. These were things which you heard of as having taken place in the North, a considerable time ago?

Answer. I do not recollect that I ever saw Mr. Lakin but twice. I never spoke to him or interchanged a word with him. I have heard one thing and another, as I may hear such things of any man, which I did not emphasize, and which did not make any impression upon me.

Question. One republican down [illegible] told you he was a "fanatic?"

Answer. Yes, sir.

Question. What did you understand him to mean by that?

Answer. A man who was extreme in his views, and extreme in his statements and acts, and disposed to exaggerate. The man who said this, said at the same time that he thought Mr. Lakin meant to be honest.

Question. You understood, then, that he was an earnest, zealous, proselyting man?

Answer. No, sir; I will not go so far as that. The phrase "earnest, zealous, proselyting man," does not meet and fill the whole idea of a fanatic.

Question. You understood that to be included in the description, did you not; that he was down there prosecuting this work, which he was sent to do, and prosecuting it with zeal and energy?

Answer. I did not infer anything of that sort. Mr. Figgers and myself were referring to his testimony.

Question. I want for a moment to lay that aside. I want to ascertain how he stood in your community before he came here as a witness. Did you understand from what you heard and from what everybody said about him that he was a man who was prosecuting with zeal and earnestness this labor he was sent there to perform—to detach a portion of the Methodists from the southern church, and attach them to the northern church?

Answer. Yes, sir; I had no other impression as to his character. I do not know that it ever occurred to me that he was doing the work with zeal and earnestness; but as the question is asked me now, my idea is that he was that sort of a man. I suppose he was a laborious man.

Question. And you say you never heard him accused of any dishonorable or immoral act?

Answer. Dissociated from his testimony, I never have, except as I told you in regard to what occurred at the North.

Question. If there was anything wrong about his course in the North, the northern people will know about that. I am talking about his residence and acts in Alabama.

Answer. There is nothing of that kind that I can put my finger on now. I am not the kind of a witness to be informed with reference to what other men do. Other men attend to their business, and I attend to mine.

Question. You say that at one time a story got abroad that Mr. Lakin was killed?

Answer. Yes, sir.

Question. Do you happen to know how that story originated, or what set that rumor going?

Answer. No, sir.

Question. You never heard?

Answer. I never heard.

Question. Did you never hear that somebody fired into his house?

Answer. I heard that a shot was fired into his house in 1868; that a portion of the buckshot went into the ceiling.

Question. Was not that the very time that the story arose?

Answer. O, no; it was last spring that the story came out that he was killed.

Question. Are you sure of that?

Answer. Yes, sir, positive; for I was very particular in inquiring about it.

Question. You do remember that somebody fired into the house?

Answer. I have heard since, and I do not know but I heard at the time, that somebody fired into his house in 1868.

Question. You did not regard that as a particularly friendly demonstration, I suppose?

Answer. Of course not. I have had that thing pretty nearly happen to myself, and I did not consider it very friendly. But the fact that, according to the description, a portion of the shot went into the upper sash, and the other portion into the upper glass of the lower sash, lodging in the ceiling, was rather indicative that there was no intention of committing murder.

Question. Did you hear any of the circumstances of that affair?

Answer. I heard what I have just mentioned; that is all.

Question. Did you hear anything as to who did the shooting, and where they were seen?

Answer. I heard one man say that it was done by a negro. I did not attach any importance to that.

Question. Did you understand him to assert that as a fact which he knew?

Answer. I say I did not attach any importance to it particularly.

Question. Some charge all these Ku-Klux outrages on the negroes.

Answer. I did not know that.

Question. Did you understand that this gentleman was simply asserting his judgment, or stating a fact which he himself knew?

Answer. I reckon it was his judgment.

Question. He did not profess to have knowledge of the facts?

Answer. No, sir; the gentleman who made that remark was Colonel Benjamin Jolly.

Question. Does he live in Huntsville?

Answer. Yes, sir.

Question. You say that Mr. Lakin had told that he had been shot at some time when he was traveling on the road?

Answer. Yes, sir.

Question. And some people thought that he imagined it?

Answer. Yes, sir; my informant, who was informed by Mr. Lakin that he had been shot at, told Mr. Lakin, "I do not think that any man intended to shoot you, under the circumstauces."

Question. Did this man tell you that Mr. Lakin said that the shot went through his beard?

Answer. No, sir, not at all.

Question. If the shot did go through his beard, would you not think it some indication that some person did intend to injure him?

Answer. Yes, sir; that would be coming rather close. My informant did not tell me any such thing; he understood that Mr. Lakin had said he heard the whistle of the ball.

Question. If the shot went through his beard, you would not think him liable to a charge of drawing on his imagination if he said that somebody intended to shoot him?

Answer. No, I would not.

Question. In 1868 you were not living in Huntsville?

Answer. No, sir.

Question. But you learned that at that time a considerable body of armed, disguised men—one hundred and fifty or so—appeared in the city of Huntsville?

Answer. Yes, sir.

Question. On a night when there was a republican meeting?

Answer. Yes, sir; a night or evening. I do not recollect that the meeting was at night. These men appeared on the day of a republican meeting.

Question. That statement about the appearance of these men you supposed to be true?

Answer. I have not any doubt about it at all.

Question. And there was some shooting on that occasion, and several persons killed?

Answer. Yes, sir.

Question. Were the persons who were killed upon that occasion republicans?

Answer. I do not know. One man who was shot through the head or face was I know a democrat.

Question. What was his name?

Answer. Cox.

Question. There was also, I believe, a Judge Thurlow shot?

Answer. Judge Thurlow, from Athens, was killed. I suppose he was a republican. I did not know him personally. Cox I did know personally.

Question. Was not Judge Thurlow there to address the meeting?

Answer. I do not know. I reside eight miles from Huntsville.

Question. Did you not understand so?

Answer. I understood he was a republican, and a participant in the meeting as a republican.

Question. But you understood that that was a sort of indiscriminate firing that was got up in consequence of the panic?

Answer. Yes, sir; that was the impression made on my mind at the time, and is what I still think.

Question. Had you ever any settled idea as to the purpose with which that body of men came there—how they happened to come into Huntsville the very night that this republican meeting was being held there?

Answer. The men who made up the meeting were mostly armed; and these men went there perhaps for the purpose of intimidating that meeting to some extent. I think that must have been it. That is my inference.

Question. You would hardly expect then that a body of republicans went there for that purpose?

Answer. O, no, sir, not republicans; though I do not know whether they were men of any politics. They may have been red-hot secessionists.

Question. At that time—in 1868—were those bodies of disguised men pretty frequent and general throughout the county—did you hear of them everywhere?

Answer. No, sir. I heard of their appearing probably two or three times in Huntsville. I heard of their appearing upon the borders of Tennessee. They were not general at all; they appeared in particular localities.

Question. Did you not hear of them at various places all about the State?

Answer. Yes, sir.

Question. And in other States?

Answer. Yes, sir.

Question. The matter became one of universal comment everywhere?

Answer. Well, sir, it was talked about. I do not want it understood that I was ever impressed with the idea that there was a general organization running through the State.

Question. I am merely asking whether they did not appear in localities all about the country?

Answer. Yes, sir; I would hear of them at Pulaski, Tennessee, at Huntsville, Alabama; occasionally at Athens and Morrisville.

Question. You have given us a theory as to the origin of the Ku-Klux—the motives which prompted them. Your theory is that the slaves, immediately after their liberation, were intoxicated with their freedom, hardly knew what to do with themselves, and were going about in bands talking wild things; that there was alarm in consequence among the white people, and that this organization, so far as it went, whether it was local or otherwise, was a sort of volunteer police force, to check or prevent any excesses that the colored people might be disposed to commit. That is your idea of the origin of the organization?

Answer. Yes, sir, that is my idea. I do not know whether you are aware of it, but Senator Pool knows that we had always before the war a sort of local neighborhood police [illegible] and that the thing was suggested by that.

By Mr. POOL:

Question. You refer to the patrol?

Answer. Yes, sir.

By the CHAIRMAN, Mr. POOL:

Question. Your idea, then, is not that this organization was made up of the dissolute, the vicious, the abandoned, and the wicked—the ragamuffins, as some have expressed it?

Answer. No. I think that whatever elements of that character there may be in it have gone into it latterly. Since the election of 1868 I have not heard of there being bands of Ku-Klux.

Question. According to your idea, this organization in its original purpose was an organization in the interest of peace, order, and quiet?

Answer. Yes, sir.

Question. To afford protection against any outbreak by the colored people if there should be any trouble of that kind?

Answer. Yes, sir.

Question. But you say you think it was [illegible] quite beyond that?

Answer. Yes, sir; I think it did.

Question. Will you give us your idea of the extent to which it did go; how far its purposes were antagonistic or eminent?

Answer. Well, sir, it was in one sense antagonizing the colored people, so far as regards keeping them from doing acts that would amount to outrage, or anything of that sort. When these meetings were held men attended them armed; and the colored people being almost all of them armed, there were naturally at times meetings which were occasions of excitement. It was naturally thought that these men, coming together in large bodies, might be induced or provoked to commit outrages; and these bands called Ku-Klux, with a view of averting anything that might follow from that sort of thing, went there, and no doubt intimidated or disturbed these meetings. The motive, I suppose, (this is only an inference,) was a mixed one. My theory about the origin of the thing is, I have no doubt, correct; but the organization was, perhaps, perverted to a considerable extent from its original purpose. I never saw a Ku-

Klux, or a Ku-Klux band of any kind, knowing them to be such; I never talked with any man who admitted to me that he had been a Ku-Klux.

Question. You understand that in your State, and about in various localities through your country, these armed bands occasionally killed a man?

Answer. Oh, no; not all through the country; that is carrying it further than I had dreamed of. I supposed it was a very narrow, limited thing. I have heard of it in particular localities.

Question. When I say all about the country, I do not mean in every town and county of the Southern States.

Answer. The cases were exceptional rather than general.

Question. Have you not heard of them in North Carolina, South Carolina, and Georgia?

Answer. Yes, sir.

Question. And in Mississippi?

Answer. Yes, sir; in two or three counties in Mississippi, and three or four in Alabama.

Question. So far as you heard of these bands operating at all, did you not hear of their going about and killing men?

Answer. I have heard frequently of their whipping men.

Question. Have you not heard of their killing a great many men?

Answer. My general impression is that I did hear of their killing people. That is the impression upon my mind, though I cannot now fix upon any one who was killed by them.

Question. Did you ever happen to hear of their killing the solicitor of Greene County?

Answer. Mr. Boyd?

Question. Yes, Mr. Boyd.

Answer. Yes, sir, I heard of that. I do not know that they were Ku-Klux who killed him.

Question. Well, it was a body of disguised men?

Answer. I have heard, whether it was true or not, that Boyd had been convicted of a serious offense.

Question. Fifteen years before?

Answer. I do not know whether it was fifteen years before.

Question. We have all the particulars of that from other witnesses. I want to ascertain whether you did not hear of this body of disguised men going about in the night and frequently killing people?

Answer. No, sir, not frequently. I heard of Boyd being killed.

Question. We have hundreds of instances proved where they did it?

Answer. They did it; there is no doubt about that; but I cannot designate the places or the men.

Question. Was it not still more common to hear of these armed men going about at night and whipping somebody, with great severity?

Answer. I have heard of that in some counties in North Alabama. In DeKalb county, in my district, a verdict of $1,000 was recovered the other day against some parties for whipping a man.

Question. When they got to doing that, did you think they went beyond the original idea?

Answer. Altogether.

Question. When this organization began to whip people, and to kill people, do you not think it had assumed a sort of political character?

Answer. It had assumed such a character that everybody cried out, "stop these outrages."

Question. All respectable, good people?

Answer. All respectable, good people in my neighborhood did; and then the organizations were disbanded so far as my locality was concerned.

Question. You think that in your region the organization has entirely ceased?

Answer. I think there has been no such thing as a band of Ku-klux anywhere there for nearly three years. I think I should have heard it if there had been. I am not altogether unobservant of what is going on in my district, though I am a good deal of the time away from there.

Question. You have spoken of the apprehension under which, according to your idea, this Ku-Klux organization was first formed. Do you think there ever was any well-grounded apprehension anywhere that an armed police force was necessary to keep the colored people in check?

Answer. That question addressed to different men would receive different answers.

Question. Well, I put the question to you.

Answer. I believe that any man who is not easily intimidated can disarm a dozen colored people; but when the colored people use menacing language, ride over the country in squads, with arms in their hands, firing off their guns day and night, and on all days of the week, there are very few persons that would not feel some apprehension, espe-

cially in the condition of the country as it was a few years ago, and in view of the late condition of the negroes as slaves, and their recent acquirement of freedom.

Question. They did not quite know what to do with themselves as freemen?

Answer. They acted, not perhaps strangely but in a way to alarm people. Let me give you a little illustration: In 1866 or 1867, I could not get my colored servant woman to milk my cow when it rained; she would not do it; she thought that thing was "played out," and that I must go and milk the cow myself. And, when there would be a guest at my house I could not get my servant to black his boots as the custom had been; I had to black them myself. Most of the menial service I performed at that time myself, because I had to do so.

Question. The colored people had got enlarged ideas of what it meant to be free?

Answer. Yes, sir; very large ideas.

Question. Was it about that time that they entertained the notion that they were going to have some land given to them, that there was to be a division of the land?

Answer. They were told "That is not your master's land, but your land; your work made it what it is; he would not have had any land if it had not been for you." That was the sort of talk that was indulged in.

Question. They had sense enough to get over that idea very soon, I suppose?

Answer. I will say for them that, as a race just emancipated, they are behaving remarkably well.

Question. They soon got over those enlarged notions of what it was to be free?

Answer. Washington City exhibits more of what I would call insubordination among the negroes than you can see almost anywhere else. For instance, you will not find a colored man who will give his place to a white lady in a car; at least I never see that. A great deal of what one sees in Washington City we do not see in my country. There the negroes are respectful, and behave themselves astonishingly well.

Question. I think they do here.

Answer. Well, I do not think they do here compared with the conduct of the negroes among us. We are a little in advance in that respect.

By Mr. POOL:

Question. I want to learn a little more about that Paytona affair. Did the colored people make any effort to burn the town on that occasion?

Answer. I said they threatened to burn it.

Question. Did they make any effort to do it when they went into town?

Answer. Not that I ever heard of. Mr. Tucker was my informant, and he did not state that. They swore they would burn the town.

Question. Did they commit any act of violence upon any individual?

Answer. Not so far as I heard. Mr. Tucker's statement to me was, (I am not pretending to state anything of my own knowledge on this point,) that they went there and swore they would burn the town, and made night hideous with their yells and menaces. That was his statement.

Question. Did they commit any violence upon any person in town or anywhere else?

Answer. Not that I know of. He did not state to me that they did.

Question. Did they commit any trespass upon any property in town?

Answer. He did not mention that they did.

Question. When did they leave town?

Answer. They left the town next morning, but they returned again on the evening of Sunday.

Question. Did they commit any acts of violence when they returned on Sunday evening?

Answer. They fired off their guns in the direction of a congregation coming from church, and alarmed the women and children very much.

Question. Was anybody hurt?

Answer. No, sir.

Question. Did they retire again?

Answer. Do you mean the blacks?

Question. Yes, sir.

Answer. I suppose they did. Probably the men who lived in that little place were so exasperated that they may have seized the leaders at once and dispersed the others. I am not advised as to that.

Question. You say that Luke was executed?

Answer. Luke, and I think four negroes.

Question. How were they executed?

Answer. They were executed, as I understand, by the citizens of the place.

Question. Were they hanged?

Answer. I suppose they were either hanged or shot; I never inquired particularly about that.

Question. Were they arrested before that?

Answer. They were arrested and were taken out of the hands of the officer.

Question. Were they arrested by legal authority?

Answer. They were arrested by citizens and placed in the hands of the officer. That is my information.

Question. But they were taken from the hands of the officer, and four of them executed?

Answer. Yes, sir.

Question. Were any more of them shot or wounded?

Answer. None that I heard of.

Question. You say that Luke was obnoxious to the people?

Answer. Yes, sir.

Question. Had he ever committed any act of violence on any one, or was he charged with any such act?

Answer. Mr. Tucker told me that Luke had interested himself very much in seducing servants from the employ of the planters, and had made himself offensively obnoxious in that way.

Question. He had not committed any act of violence upon person or property so far as you heard?

Answer. No, sir; General Burke, a republican there, says he was constantly preaching his doctrine of fraternization with the negro, and miscegenation; and, as Burke says, that doctrine is very offensive among these mountaineers.

Question. Was Luke a white man?

Answer. Yes, sir; he was a Canadian.

Question. Is there any serious apprehension of miscegenation among the people in the South?

Answer. I do not think there is, generally speaking; there is not in my neighborhood. There have been rapes committed there. In DeKalb County, the year before last, a woman was ravished by two or three negroes; and it seemed to arouse a terrible feeling of excitement. Of course the crime is horrible under any circumstances; but it is especially terrible when committed in that way. Those people were greatly excited and exasperated. Of course under such circumstances they would be likely to commit outrages and go further than they should. Cases of that kind may have induced the doing of a great many wrong acts—acts wrong in themselves, but having strong provocation to their commission.

Question. Do you think that this Ku-Klux organization was gotten up for the purpose of preventing miscegenation?

Answer. O, no; not necessarily. I had not thought of that; but when men who constitute a large majority of the population ride about night and day in a menacing manner, shouting and screaming, it is very natural for a female to have apprehensions of some sort of outrage. I am not speaking particularly of miscegenation. Miscegenation, I suppose, is a voluntary sort of business rather than anything that is done by the use of muskets, pistols, or anything of that sort.

Question. You think there is nothing in the conduct of the negroes for the last two or three years which would justify the forming of these extraordinary organizations called the Ku-Klux?

Answer. Not in my locality; I only speak of that. If I am truly advised (and I think I am without any doubt) there has been no such thing as a Ku-Klux there for the last two years, or for more than two years.

Question. Did you say that even Mr. Lakin was received down there with courtesy and kindness?

Answer. He said so; he said he was received with courtesy. He told republicans so; and they said they were very much surprised at his testimony as reported by telegraph.

Question. Do you mean that he said so here in his testimony?

Answer. He said there that he had been received with uniform courtesy; and those to whom he had used this expression were very much surprised at his testimony in which he said the contrary.

Question. Had he been received there with courtesy and kindness?

Answer. How do I know? I do not know whether he has been or not. I have heard of instances two or three years ago where he was not. He was received with courtesy and kindness so far as my observation went. He stated to Mr. James Ware and Mr. Gill, and Mr. Day, that he had been treated generally with courtesy.

Question. Did he state to Mr. Day that he had generally been treated with courtesy, or was he speaking of a particular occasion?

Answer. He said that he had generally been treated with courtesy in traveling the district that made up his circuit.

Question. Did he say that to Mr. Day?

Answer. He said it to Mr. Ware and Mr. Gill; and as I understood Mr. Day to say, to him also.

Question. And you say the community was very much surprised at the statement he was reported to have made in his testimony?

Answer. I did not say the community; I said that these gentlemen to whom he had

expressed himself as having been treated with courtesy were very much surprised to find that he had testified to the contrary.

Question. Do you yourself believe that he had been received generally with courtesy and kindness?

Answer. I have no knowledge to the contrary. I suppose he did not ask for the courtesy of [illegible]. I never saw the man but twice.

Question. Is it your judgment that he told the truth when he said he had not been received with courtesy and kindness by the white people?

Answer. My judgment is that he did not tell the truth when he said he had been treated discourteously or unkindly; that he had been threatened, or anything of that sort. I do not think he ever received such treatment. I have no doubt that tricks were played on him some time ago; but I have heard of nothing of that kind recently.

Question. You think then that in the main he was received with courtesy and kindness?

Answer. I take his statements as given to these gentlemen; they are the only information I have on the subject. I never asked anybody in regard to the matter.

Question. You rely I think more on the statement which was made not upon oath to these gentlemen, than you do on the statement made upon oath before this committee?

Answer. There was no motive for him to tell these gentlemen anything but the truth. I do not know what he did tell the committee. Did he say that he was not safe?

Question. I understood you to say that it was so reported.

Answer. It was so reported in the telegraphic abstract of his testimony; and these gentlemen were surprised to see that statement.

Question. You say it was reported that he was at the Five Points mission in New York and got into some trouble with his church?

Answer. Yes, sir.

Question. Then he went thence to Peru, Illinois?

Answer. Yes, sir.

Question. And that there he had trouble again?

Answer. No, I did not say he had trouble there; the same trouble followed him there.

Question. And thence he was transferred to the southern country, and these reports followed him there?

Answer. Yes, sir.

Question. You seem to be pretty positive that he has been in the habit of fraternizing with negroes and having them at his table?

Answer. Yes, sir.

Question. To an extent which I believe you said savored of miscegenation?

Answer. O, no; I did not say that; I said it looked towards social equality. I do not impute miscegenation to him.

Question. Is it likely that a man who carried to Alabama such a reputation as he seems by your statement to have acquired at the Five Points, New York, and to have carried with him to Peru, Illinois—a man who had gone to Alabama for the purpose of detaching a portion of the southern Methodists from their church connection, and connecting them with another church organization—a man, too, who fraternized with the negroes and had them at his own table, and to an extent that looked toward social equality—is it likely that such a man would be received there with courtesy and [illegible]?

Answer. Not where that thing was practiced.

Question. Was it not general?

Answer. There are very few negroes in the southern counties of his district; I think his associates there were principally whites. North Alabama, except in the valleys, has very few negroes.

Question. Before Mr. Lakin appeared here to testify, did you hear that he was reckless in his statements?

Answer. I have heard since this testimony came out, and talking with men with whom he was in the habit of conferring, that he was reckless in giving his testimony.

Question. Had you ever heard recklessness in his statements attributed to him before?

Answer. I never heard anything of him, except knowing that he was there as a minister. I was born and reared in the North, and whatever people may think about men who come down to the South, I am for letting everybody go his own way, provided that he does not trespass on my rights, or those of my neighbors.

Question. Did you ever hear anything of Mr. Lakin's "powerful imagination" before he came before this committee to testify?

Answer. No, sir.

Question. You have only heard of these things since?

Answer. Yes, sir; my attention has not been called to him very much except in this connection.

Question. You say you think he is honest?

Answer. No; I said that Mr. Figgers said he thought he was honest, but a fanatic.

Question. Do you think that he has the reputation among those who know him in Alabama of being an honest man?

Answer. I really cannot very well answer that question. I cannot say that he has the reputation now of being an honest man among those who know him in Alabama. As I have told you, men who were his personal friends have been astonished at the report of his testimony, because it is so contradictory of his previous statements.

Question. Contradictory in any other particular than on this question of his having been received with courtesy and kindness?

Answer. No; but I referred also, you will recollect, to the case about the butter.

Question. I asked whether they said the report of his testimony was contradictory to his previous statements upon any other point than this question of his having been received with courtesy and kindness?

Answer. I do not recollect as to that.

Question. If that is the only thing in his testimony at which they were surprised, and which seemed to them to contradict ——

Answer. They only saw a brief abstract of his testimony. They were very much surprised that he should have made a general statement that he was not safe in Alabama, and could not obtain kind and courteous treatment.

Question. The supposed contradiction between his testimony here and his previous statement, that he was received with courtesy and kindness, is what has gotten up this talk in regard to his testimony, is it?

Question. It is his testimony, so far as they are advised of it, that they are talking about.

Question. Are they advised of it any further than you have stated?

Answer. They are not advised of it further than by the abstract which has been published in the papers, and which has not been denied.

Question. Did you ever hear about the transaction in connection with the tub of butter until after he had given his testimony here?

Answer. I may have heard of it when I was informed that he was coming here to give his testimony. I do not recollect whether I heard it after he gave his testimony or after we were advised that he was coming to give his testimony.

Question. But you had never heard it except in connection with his appearance as a witness before this committee?

Answer. No, sir.

Question. Why was such a thing as that started in regard to him as soon as it was known that he had been summoned to appear before this committee?

Answer. It may have been started after he had given his testimony; my mind is not clear as to that. If he had made statements here which people did not believe to be true, that would naturally suggest to them to tell anything they knew that was not favorable to him. It came out in that way.

Question. But I understand you to say that the only statement upon which a point was made was simply the statement that he had not been received with proper courtesy and kindness by the people of Alabama?

Answer. O, no; I referred to his testimony generally. Major Ware told me that he was very much surprised at the testimony of Mr. Lakin that he could not travel safely, was not treated courteously, and all that; because last spring when it was reported he had been killed, and simultaneously almost with the report he appeared in the office of the probate judge, Major Ware said to him, "Why, Mr. Lakin I am very much surprised to see you; we heard you had been killed;" and then Mr. Lakin said, "Nobody would kill me; I have been treated with uniform courtesy and kindness."

Question. Do you suppose that Mr. Lakin was guilty of dishonesty, (and if the charge was true it really bordered on larceny,) in connection with that butter transaction?

Answer. Well it strikes me so, particularly as, in order to settle the matter, he paid twice as much as the butter was worth. I only state the transaction as it was related to me.

Question. If Mr. Lakin's conduct had been such as the story would imply, it would have been in the nature of felony, would it not?

Answer. I think that I would hardly look an honest man in the face if I had done anything of that kind.

Question. In law the offense would partake of the nature of a felony?

Answer. Well, I suppose it would be a felonious taking; it would squint that way, I think. I hardly know how a lawyer would define it.

Question. To whom was it stated he had paid this double price?

Answer. To Isham Gill.

Question. Who is he?

Answer. A young merchant there, 26 or 27 years of age.

Question. What did he have to do with the transaction?

Answer. The butter was sent to his sister.

Question. And it was supposed that Mr. Lakin paid that double price in order to settle the matter?

Answer. Yes, sir; that is the information given to me.

Question. Did you understand that in consideration of that settlement Mr. Gill was to say no more about it?

Answer. That was what I understood. He did say no more about it at that time.

Question. If it became publicly known that the double price was paid, it must have become known through Mr. Gill?

Answer. Of course, unless it became known through Jarvis, the express man, who, I think, was present.

Question. What do you think of a man who would compound a felony in that way by receiving money in order to hush up an offense and say nothing about it? Is not that also a crime?

Answer. It is so by statute in some States.

Question. What do you think of the transaction morally?

Answer. Well, it is not necessary to ask me that question. If a man had taken my butter under those circumstances, I think I would have had him arrested; I do not think I should have taken fifty cents a pound to settle the matter.

Question. What would you think of a man who would go and make a public parade of the fact that he had, in consideration of money, compounded a felony in that way, and agreed to keep silent on the subject?

Answer. Well, I think it savors a little of blackmailing, in one sense, though, perhaps, it hardly goes to that extent. I think it may be possible that Mr. Gill thought some little penalty ought to be paid for that breach of trust, as, I suppose, you may call it.

Question. Especially if he was himself the recipient of the penalty?

Answer. Yes, sir.

Question. Do you really believe, from all you have heard, that there was anything dishonest on the part of Mr. Lakin in that transaction?

Answer. I do not know that I would convict Mr. Lakin of positive felony on the facts as they appear; there is a plausibility, to some extent, about his statement; but I should not care about his getting my butter after that.

Question. If a stranger in the community had made an honest mistake in a matter of that kind, would you think it kind or fair treatment to make him pay a double price in that way?

Answer. No, sir. I cannot imagine that a man who was honest in a transaction of that sort would have paid it.

Question. Is the fact that Mr. Lakin paid this double price supported by the statement of anybody other than the man who received the money, and the man who was a party to its reception?

Answer. Both Mr. Gill and the expressman stated it.

Question. Gill is the man who received the money, and the expressman who was standing by was a party to the transaction?

Answer. The expressman was there; he had no interest in the matter, so far as I know.

Question. But he had an interest in the good order of the community, and the proper observance of the laws.

Answer. Everybody has that sort of an interest.

Question. Upon the statements of those two men the proof as to paying this double price depends?

Answer. Yes, sir.

Question. You did not have that transaction in your mind when you said you could not advert to any specific act of Mr. Lakin's which was inconsistent with the character of a Christian minister?

Answer. It did not occur to me at that time.

By the CHAIRMAN, (Mr. POLAND:)

Question. When did you understand that transaction to have happened?

Answer. I think it was in 1868; that is my recollection, but I am not positive about it.

By Mr. POOL:

Question. That was when Mr. Lakin was an entire stranger in the community?

Answer. O, no, sir.

Question. When did he go there?

Answer. He was there before that; I don't know precisely when he went there. As I have before stated, I live in the country; he may have been there some months before I knew of his being there.

Question. But you heard nothing of this butter business until after he came before this committee?

Answer. It was after he was summoned before the committee, and I think probably after he gave his testimony.

Question. Does the fact that the matter slumbered so long—from 1868 until now—impress your mind with the idea that the statement is a slander?

Answer. No, it does not; I do not think the young man is capable of that.

Question. You mean the young man who took the double price for the butter?

Answer. Yes, sir. I think that if he erred, he did it ignorantly, and without any consciousness of doing anything wrong. I do not approve of anything of that sort; but he had been put to a great deal of inconvenience, and may have thought it right that he should be compensated.

Question. I understood you to say that the letter which accompanied the butter was not signed with the young man's name, but simply signed "your brother?"

Answer. It was signed "your brother, Isham Gill."

Question. You said that a man went to your house and notified you that the teaching of negroes must be stopped?

Answer. The man did not come to my house. He told me that my wife's teaching of negroes must be stopped. That was in 1867 or 1868, I think. Larkin White was the man's name. He is dead now. He told me that he understood my wife was teaching her negroes, and said he supposed I did not know that for that cause Elijah Fitch was advised that he would be handled pretty roughly. Fitch had been teaching the negroes.

Question. By whom had Fitch been so advised?

Answer. I inferred it was some of those irresponsible lawless men about there.

Question. Do you mean the Ku-Klux?

Answer. Well, it may have been. It was a foolish idea in some of the Southern States at that time that the negroes must not be taught.

Question. Do you not think that the man referred to the Ku-Klux when he said they had given that notice?

Answer. My impression was that he did refer to men in disguise, because I said that I would pull their masks off their faces if they came visiting me.

Question. At what time was that?

Answer. I think it was in 1867 or 1868.

Question. But I understood you to say that at that time these Ku-Klux were not lawless and bad men?

Answer. I said there had been no Ku-Klux there since 1868.

Question. About that time you think the organization started?

Answer. The first organization was before that.

Question. Before 1868?

Answer. Yes, sir; I think so.

Question. Before 1867?

Answer. I cannot say that it was before 1867; it did not last a great while any how.

Question. Do you think you would be safe in undertaking to pull the disguise off the faces of disguised men or off their horses?

Answer. I generally find that if a man comes to assail me in my rights of person or property, I can walk right up to him and say, "Desist;" and I will take pains to do so. I do not know whether it would have been safe or not; for I think it was in view of possible peril that I said I would do it; and I think I would have redeemed that promise. I think that if there was an attempt to visit in that way a servant of mine, black or white, living with me and necessarily under my protection, I would resist it at every hazard.

Question. Would you advise your black servants to fire on men of that kind?

Answer. I would advise them to resist at every hazard, and to insist on the recognition of their rights.

Question. Do you think that would be the proper course to be pursued generally by the negroes in the Southern States?

Answer. I do not know that it would; I am only talking about myself. I have not been assailed very often; I do not know that I have ever been with impunity; I believe that when assaults are made upon the rights of men, black or white, if they would resist and defend themselves—repel the assailants at whatever peril—if this were the uniform policy it would check a great deal of lawlessness.

Question. And lawlessness ought to be checked?

Answer. Certainly it should.

Question. Then, in your judgment, that would be a proper course to be pursued by the colored men in the South when assailed by Ku-Klux?

Answer. Of course; I would advise them to take the same course which I would take myself. I cannot conceive that men could come to my house and intimidate me in that way. They might do so; we cannot always tell what we would do in certain supposed emergencies; it is possible they might come and perhaps intimidate me in such a way that I would succumb and go with them and be treated by them as they chose; but I cannot conceive that such a thing would be likely to happen to me.

Question. You would not consider a submissive demeanor the best one to be pursued, by either black or white?

Answer. No, sir.

Question. You spoke something of robberies committed by these disguised men?

Answer. Thieves and rascals have assumed disguises, as they are very apt to do.

Question. Perhaps they have taken their hint from the Ku-Klux.

Answer. Yes; they have gotten it in that way possibly; at any rate these men who are not Ku-Klux occasionally commit robberies in disguise.

Question. You mean they are not Ku-Klux in the true sense of the term?

Answer. Not in the original sense of the term.

Question. They are what might be called bogus Ku-Klux?

Answer. Well, I would call them scamps running round and committing depredations. I may illustrate the point in this way: After the war men in Federal uniform committed a great many robberies. They had purchased the clothing of soldiers; it was a sort of shelter to them in which to commit crime. In the same way men who commit robberies may desire them to appear to have been committed by Ku-Klux.

Question. But in addition to the robberies you have heard of, (which you attribute to bogus Ku-Klux, as they might be termed,) you have heard occasionally, at least, of men being killed by them?

Answer. Yes, sir.

Question. And you have heard of a great many cases of men being taken from their houses at night and scourged by them?

Answer. I have heard of several, I have named a number. One was the case of Mr. Cate, in Jackson county. Old Mr. Harker, a soldier of the war of 1812, I think, was whipped. Two negro men—Ned Larkin and his brother—were killed. But the men killed in these cases were democrats, black and white; and they were killed too, as I am advised, by republicans. Of the homicides which have occurred under my observation in the State of Alabama, I am satisfied that in a large proportion of cases the victims have been democrats.

Question. You mean immediately upon the close of the war?

Answer. No, I mean within the last two or three years. I have not heard of any homicides in my neighborhood or vicinity since last January.

Question. How were those homicides generally committed—in an open rencounter in the day time?

Answer. Not all of them but some. Polk Wright was killed by the son of the sheriff.

Question. That was not a Ku-Klux outrage, of course?

Answer. That was not a Ku-Klux outrage; but Wright was a very active democratic partisan for a young man. Cate was killed by men in disguise. Governor Lindsay offered a reward for the apprehension of the men, naming them. That case grew out of some difficulty in connection with a loose woman. The two negroes I have mentioned were killed by men in disguise, who are supposed to have been worthless, trifling fellows, (this is my most recent and authentic information,) who were anxious to get rid of those negroes, so that they might work the land on which the negroes were working.

Question. With those exceptions, have you known any case where a member of the democratic party has been killed by what you would call a genuine Ku-Klux organization?

Answer. O, no; I have never known any genuine Ku-Klux organization. Some of the men who were injured in the affair at Huntsville in 1868, were democrats; but the Ku-Klux had nothing to do with the firing there, as I am advised.

Question. You believe that the organization generally denominated Ku-Klux proper have committed whippings, scourgings, and now and then a murder, within the last two years, do you not?

Answer. I am not advised of any such Ku-Klux organization proper.

Question. Have there been no scourgings by persons in disguise in your district?

Answer. There may have been scourgings; I have heard of whippings, perhaps in Cherokee County, possibly in De Kalb, and perhaps in Etowah.

Question. Do you mean cases where persons were taken from their houses and whipped by men in disguise?

Answer. Yes, sir.

Question. Did you ever know a democrat to be so treated?

Answer. I never heard what the politics of these men were; I do not think they were whipped because they were republicans. It may have been on account of their associations in some way, as I have suggested several times in my testimony here.

Question. I understood you to say that you thought the original organization of the Ku-Klux was for a designated purpose, and that there were at the start some good men in it—men who entered with good intentions.

Answer. I think it is very likely. My theory is that the organization originated as a sort of police for protection.

Question. A sort of substitute for the old patrol system of slave times?

Answer. Yes, sir.

Question. That patrol system was for the purpose of controlling the negroes and keeping them in their places.

Answer. This was a substitute for that, so far as to prevent anything like outrage on the part of the negroes. I do not mean to be understood as saying that the two organizations were entirely identical in their purpose.

Question. The patrol was authorized by law?

Answer. I know that that was authorized by law.

Question. I understood you to say that latterly, as you thought, bad men have gone into this Ku-Klux business.

Answer. I say that latterly scamps, thieves, and robbers have assumed disguises assimilating those of the Ku-Klux, and perhaps like them, and under that cover or mask have committed their offenses.

Question. The offenses by disguised men are still continued?

Answer. O, outrages are committed everywhere.

Question. Do you mean by disguised men?

Answer. Yes, by disguised men.

Question. You hear of that still going on?

Answer. Not by Ku-Klux organizations—by disguised men in small numbers—three or four together.

Question. Why do you suppose that the original Ku-Klux organization of which you spoke has been disbanded?

Answer. Because it is the general impression—the accepted view of the whole intelligent portion of the country where I reside; and everybody has urged that it should be disbanded. I do not suppose there is an intelligent man in my town who will not make the same statement. That is the common impression and belief.

Question. Have you not heard of transactions of this kind by disguised men in other localities distant from your place of residence, in the State of Alabama and outside of it?

Answer. I heard the other day of outrages committed by disguised men in Mississippi, and some time ago I heard of them as committed at a distance in Alabama, but not recently, and not as a Ku-Klux organization. I think that all men who commit crime are very apt to assume a disguise of some form. Night itself is a disguise; and these outrages are generally committed at night.

Question. Before the war was it common in Alabama for bands of men with disguises upon their persons and their horses to go through the country committing crimes. Did you ever hear of such a thing before the war?

Answer. No; I do not remember that I ever did.

Question. From what you said in regard to tearing the disguises from their horses, I infer that according to your information they disguise not only themselves but their horses.

Answer. The horses were covered with sheets; that was the description I had of them; I do not know how they are in your section; I never saw one.

Question. You said that you believed the negroes might be disarmed very easily by the white men; that one white man could disarm ten or a dozen negroes.

Answer. One white man of determination.

Question. I mean, of course, a man of sufficient determination and capacity. Now has it been the habit of these organizations to disarm the negroes?

Answer. Not all; I never heard of it.

Question. You spoke of disarming some negroes yourself on one occasion?

Answer. Two or three.

Question. Why did you think it necessary to do that?

Answer. They were threatening to shoot one another. They were drunk and playing cards, and one of them said the other had cheated him. I did not want any shooting on my premises.

Question. You were acting in the interest of peace among them?

Answer. I always act in that interest except where war seems much more apt to be effective. They were making a great noise in front of my house on the street, and one was threatening to shoot the other. There was no assault upon myself.

Question. You spoke of that Huntsville affair in 1868, in which a great many persons were killed and wounded. Did I understand you to say that the negroes in their alarm got to shooting one another?

Answer. From what I heard I think they shot wildly; it was a sort of wild firing.

Question. How many of them were killed?

Answer. I do not remember.

Question. As many as twenty?

Answer. My impression is that not so many were killed.

Question. Five or six?

Answer. Perhaps five or six killed and wounded. I do not know that that many were killed.

Question. You heard of but one white man being hurt on that occasion?

Answer. I heard of one white man being killed and another shot.

Question. You spoke of Judge Thurlow being killed; he was a white man?

Answer. He was a white man, and there was another by the name of Cox, who was shot through the face.

Question. Are those the only white men whom you heard of as being injured on that occasion?

Answer. I do not recollect any others.

Question. The principal injury was upon the negroes?

Answer. My impression is there were more white men killed and wounded than negroes. I do not know that any negroes were killed. There may have been some. I am not positive about that.

Question. Did you hear of any democrats being killed?

Answer. No; Cox was one, but he was not killed.

Question. Did you hear of any democrats being wounded except Cox?

Answer. I do not recollect that I did.

Question. We have heard in the evidence given before us that the members of this Ku-Klux organization in some localities have made a pretense that they were the spirits of the confederate dead—ghosts. What do you know as to that?

Answer. When they were first started they worked upon the superstition of the negroes. When they first came out some fellows said, I heard, that they were the spirits of the confederate dead, and that they could drink a bucket of water without any trouble. They made manifestations of that sort with the motive of impressing very decidedly the negro mind.

Question. And they said they had risen from the graves at Gettysburg?

Answer. I did not hear that. They said, as I understood, that they were the spirits of the confederate dead. But that is rather an antediluvian story. Such things get old very quickly. I recollect hearing that some of these men appeared at a pic-nic in Tennessee above our boundary line, that they came there looking immensely tall (of course artificially so) and drinking great quantities of water, making the impression upon the African that they were the spirits of the confederate dead.

Question. Did I understand you to say that you cannot challenge the registry of a voter in Alabama?

Answer. As I understand, you cannot.

Question. Is there any law against bringing testimony to show to the registering officers that a man is not entitled to register?

Answer. I never heard of one being challenged, and we accept it as a fact that no challenge can be made.

Question. Is not the law against challenging expressly confined to voting?

Answer. I know that we cannot challenge voting, and my impression is the same with regard to the registry.

Question. Does not a man when he registers have to swear that he is a qualified voter?

Answer. Yes, sir; I think he does. That is my recollection. When I registered I think I took that oath.

Question. Is not the penalty for falsely taking that oath confinement in the penitentiary?

Answer. I do not recollect. I must confess I am not advised that there is any penalty which is available connected either with registration or voting.

Question. As to availability that might depend on the sentiment of the community; but as to the law itself, does it not provide a penalty?

Answer. I cannot speak positively about that. My impression is that there is no practical restraint; that there is a general laxity in reference to the matter, and that the law itself permits it. I know that practically the voting there is without challenge, and I think there is no challenge at the registration. If a person applying to be registered takes the required oath, I think that is the end of it.

Question. Do you know of any association of gentlemen in your district for the purpose of furthering political ends, in which they are bound by some obligation one to another?

Answer. I never heard of such a thing.

Question. Do you know of no association of men for political ends or others, having a regular constitution, rules, officers, &c.?

Answer. I never heard of it.

Question. Do you think that none such exists in your county?

Answer. I think it could not exist without my knowing it. It is barely possible that there is such a thing; but I think if there had been I would have heard of it. I know that nobody would ever suggest to me the forming of such an association. You mean a secret association.

Question. I am not introducing that element into the question.

Answer. Well, I do not recollect any such association; I never heard of any, and I do not know that any ever existed.

Question. Do you think that any such association exists in any part of Alabama?

Answer. So far as I am advised I do not think it does.

Question. I understand you to say that you think person and property are secure at this time in Alabama?

Answer. Yes, sir; so far as my county and district and locality are concerned.

Question. And you think the laws are pretty well executed, as much so as in other places?

Answer. I do not know about their being executed with our officers. There is peace, order, quiet.

Question. Security?

Answer. I think so. I have advised hundreds of republicans who have written to me on the subject that they can come there with perfect safety, be secure in their property and their persons, and socially be treated kindly.

Question. But that was not entirely so in 1868?

Answer. Yes, I think it was so in 1868. For instance, a Mr. Fry, a decided republican who had been a leading man in Springfield, Ohio, came there with others, and they were all welcomed and received cordially. The best assurances I have had on this subject have been from republican witnesses.

Question. Was that the case before 1868?

Answer. I think it was. I wrote a letter addressed to Mr. Hillhouse and other gentlemen who thought of investing money there; and I published it over my own signature. It was written in 1866, and I would now reaffirm the statements I then made. I invited those gentlemen to come down to our section, assuring them that any man who would come to our country with the motives which should prompt any man in removing from one section to another, with the view of bettering his condition or fortune, would be treated kindly.

Question. I was not speaking so much of safety to those who are generally denominated "carpet-baggers" as the general run of the people of the community.

Answer. I say they are safe.

Question. Safe in person and property?

Answer. Yes, sir.

Question. And you say there is peace and quiet there?

Answer. Yes, sir; I think so; as much so as in Ontario County, New York, where I was reared.

Question. Suppose that those persons who are now under disabilities were relieved, what, in your opinion, would be the effect?

Answer. I think it would have a happy effect.

Question. Why happy, if you now have peace, quiet, and security without any such measure?

Answer. When I say we have peace and security I do not mean to say that the people are satisfied with not being able to select freely their own officers. We may have peace and security, while a large portion of the people are disfranchised. Would you infer that because of the existing disfranchisement we have peace?

Question. Not at all.

Answer. Your question is suggestive of that. These men who are disfranchised have friends in the community; they are able men and men of influence; men who are consulted with.

Question. You think that if they were relieved they would probably be elected to office, and have the control of affairs placed in their hands?

Answer. Those who are qualified would be apt to be chosen to office, as they were before. They ought to occupy office, because they are the best qualified men.

Question. Other men fill the offices now?

Answer. Very indifferently, a great many of them.

Question. But still, under their administration, you have peace and perfect security of person and property?

Answer. We have, despite their inefficiency; but there is not satisfaction by any means in the community.

Question. I suppose not, to the men who are under disability, and their friends.

Answer. Almost everybody is the friend of the men who are disfranchised. I am not satisfied with the present condition of things, and I am not laboring under disabilities.

Question. Did you mean to say that your county commissioners of highways before the war took an oath to support the Constitution of the United States?

Answer. Yes, sir; and constables, too.

Question. Constables did, I know.

Answer. The commissioner of highways is a higher office than constable.

Question. And you say that the great majority of the men of ability (I think you said all, but I suppose you did not mean it) are under disability in your section of the country?

Answer. Most of them.

Question. No man is under disability unless he held office before the war?

Answer. Well, almost every man who has reached middle age has held an office of some kind at some time in his life. There are young men there who did not hold office.

Question. You said a large majority of your people were Union men before and during the war?

Answer. The large majority of them were Union men before the war; and as to the people of North Alabama generally (I am not speaking particularly of my own county) I think that a large majority of them never did any act hostile to the Union unless they were forced to do it.

Question. If they maintained their loyalty to the Government how came they to be under disabilities?

Answer. There was such a thing as being forced or pressed into the aid of the rebellion. I was a Union man all the way through; but I do not undertake to say that if I had remained in the South during the war I would not have committed some acts which would have been regarded, and properly regarded, as disloyal. But I would not stay there; when our flag came down I went away. During the war I was not under that sort of pressure to which those who remained there were subjected. I would not allow myself to be put under that pressure. No one can say that he would not have been obliged under those circumstances to aid the rebellion in some way.

Question. You think that many men who are now under disability were really loyal men at heart during the war, but were constrained by circumstances to do acts tending to aid the rebellion?

Answer. Yes, sir. Take the men of the middle class—the men whose interests were always in the line of peace—who were not politically ambitious. I think the war was made by the politicians of the South. I do not believe the masses ever went went into it heartily. The recognition of leadership was carried to a much greater extent there than I have seen it carried in any other portion of the country. The men whom the southern people sent to Congress were continued in service for years; their opinions were regarded as of great weight. People would ask "What does our Representative or our Senator think about this?" and then they would follow him. In my opinion the southern people were led into the rebellion more by this habit of following leaders than by any hearty concurrence in the disunion movement.

Question. Then you think that a great many men who are under disabilities were loyal at heart during the war, but were constrained by circumstances to become implicated in the rebellion?

Answer. Yes, sir. Their sons, for instance, may have gone into the confederate service, were perhaps conscripted; and they helped them.

Question. Do not men of that class especially feel that a great wrong was done them by being placed under disabilities by the Government after the close of the war?

Answer. Yes, sir, they do. I think that the disfranchisement of such men was the most impolitic thing the Government could have done; I mean in the interests of peace and contentment, without reference to party.

Question. In order to be under disabilities a man must have held some office before the war. Now were not the worst and most violent of the secessionists and war men among those who were not under disabilities at all, because they had held no office before the war?

Answer. Yes, sir, that is so in some instances.

Question. Is not that a great cause of complaint among the men who were Union men before the war, and as far as possible during the war—that they are under disabilities, while men who were active secessionists are not?

Answer. I have not heard that suggested. I do not think anybody finds fault because other men are not under disabilities. The complaint with the people is that those to whom they are attached are not relieved of their disabilities. I think the general opinion there is that all should be relieved.

Question. Do not the colored men themselves favor a general amnesty?

Answer. I am inclined to think they do. The colored people are very much disposed to favor those who they think are their old friends. I think they look upon the southern whites as their old friends; for really those are the men to whom they go when they are hungry, and naked, and sick.

Question. The negroes then manifest liberality of sentiment in this regard?

Answer. I think they do when left to themselves. I cannot say advisedly, of course, that such is their opinion; but it is the impression made on my mind as to the disposition of the colored men.

Question. Do you think that the passage of a general amnesty bill by Congress would produce a happy effect upon the public sentiment, and make the people better satisfied?

Answer. I think so; I have not a doubt about it; it is a question upon which I do not think it necessary to reason.

Question. Do you not speak rather strongly in regard to Judge Busteed's proceedings in court? Do you mean to say he would actually order a chew of tobacco out of a man's mouth?

Answer. A man would be told that he must not spit or chew in the court-room.

Question. And I understand you to say that he would not allow a man to sit in a chair in any other than an upright posture?

Answer. A man would not be allowed to recline upon another chair. But that matter is not very important; I do not know that it has anything to do with the Ku-Klux. I was merely saying that Judge Busteed, coming down there a perfect stranger, assumed judicial airs which I do not think the chief justice of Vermont would assume.

Question. Is Judge Busteed especially stringent in the enforcement of the laws?

Answer. I presume he is, so far as he understands them.

Question. Is he stringent in the enforcement of the criminal law?

Answer. He is so far as I know. I have nothing to do with his court; I am no lawyer; I am a farmer; I want that to be understood.

Question. If this Ku-Klux organization was formed for the purpose of making the negroes more quiet and peaceable, and preventing any collision between them and the white race, is it not your opinion that it was very badly conceived?

Answer. I never did and never can approve of lawless, irresponsible bands of men; I never can justify them under any circumstances. If there were an utter incapacity on the part of men in position to maintain order and conserve the public peace, there might be some justification for regulating things by improvising volunteer bodies of men.

Question. But such a state of things does not exist in your country now?

Answer. Not now.

Question. When the reports of these outrages, such as taking colored men from their houses at night, and whipping them, are circulated among the colored people, are they not calculated to make them more turbulent—to make them unfriendly towards the whites, and more likely to commit violations of the public peace?

Answer. I do not know but that it would be so, if it were the common practice. I think that where one colored man is actually taken out in that way without any reason, there are probably ten taken out on account of some offense, real or imputed, committed by them, which has made them obnoxious, and subjected them to that sort of treatment. Of course, with the *débris* of slavery, there remains something of the old notion that whipping a negro will sometimes avail when other things will not. I would infer that those things are simply relics of the former practices in slave times. Of course, everything of that kind is growing less every day.

Question. You have very little personal acquaintance with the condition of things in Alabama outside of your district?

Answer. Very little, indeed. I am a home man. I confine myself generally to the duties of my position and business. I have never been in Montgomery but once, and then I was a member of the convention of 1865.

Question. Was there not a judicial investigation of some notoriety that took place in regard to that Paytona affair?

Answer. The judge sat for some days, I understand, with attorneys on both sides. I was not in that section of the country at that time.

Question. Did you give any attention to the progress of that investigation?

Answer. I did not. At that time I was in the State of New York, at my old home.

Question. Do you know whether one of the order of Ku-Klux made a confession upon that trial, and disclosed the organization in the State?

Answer. No, sir.

Question. You have not read the testimony?

Answer. No, sir, I have not seen it at all.

Question. Do you know anything about the condition of Sumter County, Alabama?

Answer. No, sir. Samuel Hale, a republican, a brother of John P. Hale, of New Hampshire, wrote from Livingston, the county seat of Sumter, a letter to a gentleman in New Hampshire. That letter, I am informed, is a most truthful portrayal of the existing condition of things and the inducing causes. So far as I am advised of his views, I concur in them fully. I wish he could be examined here, for I believe from all I have heard of him that he is a very honest, intelligent man, and he has lived more than thirty years in that section. He is a man who speaks advisedly and honestly, and he has none of the old-fashioned southern prejudices.

Question. Have you observed the public prints in your State, and the course they have pursued in treating of these Ku-Klux outrages in various parts of the State?

Answer. I only take the newspapers of my district, though I see perhaps one or two others; and, so far as I have observed, those newspapers have condemned these outrages very distinctly and emphatically.

Question. Have they put forward any apologies or excuses for them?

Answer. Not that I have seen—not recently, at any rate.

Question. Have they not generally denied the existence of these outrages?

Answer. No, sir; so far as my observation goes they have not. All the papers I am in the habit of looking at have generally published cases of outrage when they have occurred. I am not speaking of Ku-Klux outrages particularly, where men go in disguise.

Question. I speak especially of that class of outrages.

Answer. I do not know about them. I must confess I have not seen or heard of Ku-Klux outrages recently in my district; nor has my attention been called to them by anything published in the papers that I take. I of course read more closely the papers of my district than any others.

Question. You have not then seen any disposition manifested by the public prints to make excuses and apologies for these outrages?

Answer. Not recently. My impression is that some three or four years ago there was

a disposition, not to wink at these things, but to treat them as a matter of levity. It strikes me as a very improper subject on which to display levity. A man may smile at a practical joke, but I do not see how any one can treat as a matter of levity outrages committed by lawless bands.

Question. Have you ever seen these outrages treated in that way by the republican papers. Have they not made a serious matter of them, making no apologies for them, but denouncing them from the start?

Answer. Well, I have not observed them; I suppose they have denounced them. In what I have said I have only given my impression. I do not state that the democratic papers have justified them in any case, but they may sometimes have treated them with levity.

Question. And offered apologies and excuses for them?

Answer. I do not know as to that; they may have done it; perhaps they did, in some instances; but it has not been by any means general, latterly.

Question. Have you noticed in the republican papers any such levity, apologies, or excuses? Did they not make it a serious matter, and denounce it from the start?

Answer. I do not know that I have ever seen more than one or two republican papers in my State. The Huntsville Advocate, a republican paper, condemned them uniformly.

Question. Did you ever see them excused or treated with levity in republican papers?

Answer. O, no; and I have never seen any apologies or excuses in other papers. I have only a general impression that in some cases they have been laughed at or treated with levity—not treated properly.

Question. Have you noticed any difference between the manner in which the republican papers have treated these outrages and the manner in which the democratic papers have treated them?

Answer. Formerly I did, I think.

Question. You did notice a difference?

Answer. That is my impression. Well, the Huntsville Advocate has denounced them, and the Democrat did the same.

Question. How can you account for this difference, upon a party line, as to the manner in which the papers of your State have treated these outrages?

Answer. I do not account for it, except in this way: I suppose the manner in which the outrages were treated depended somewhat on the nature of the outrages, and the persons upon whom they were committed. The outrages were very apt to be committed by white men. I am not speaking of anything like murder, any severe or terrible outrage, but the lighter outrages.

Question. You mean such as scourgings?

Answer. I cannot speak positively, but I do not know that my attention has ever been called to a particular case of scourging. I have heard of cases where horses whose owners were offensive have had their tails cropped.

Question. Horses belonging to republicans?

Answer. I suppose so; I do not know that I ever heard of any other. Yes, I did hear of another case, about the same time, where the owner of the horse was a democrat.

Question. Was that case afterward?

Answer. About the same time. I have only heard of it.

Question. If you observed a difference in the treatment of these outrages in the editorials of the newspapers, which of course have a great effect in manufacturing and directing public opinion, and if that difference was one of party lines, did it not occur to you that there might be some political aspect in the whole thing?

Answer. I do not know; I cannot say that I have seen a difference among the papers which I have read. While the Ku-Klux organization was in existence, and it being assumed it was a political band, it would be very natural for men conducting democratic papers, especially those not controlled by the most enlarged views, to smile and say, "Served them right," or something of that sort; and the reverse would be the case with the papers on the other side.

Question. You do not mean to say that your democratic editors are of that class of men who would treat with levity outrages upon the persons or property of citizens?

Answer. I am not speaking of outrages of a serious character. The truth is, my observation has not reached the cases which probably have been brought to your notice, or very few of them. I never saw a black man who had been visited and whipped. I do not know one anywhere in my neighborhood.

Question. If these bands of men in disguise go at night whipping and otherwise outraging people, and now and then commit a murder, it is certainly your belief that they ought to be suppressed?

Answer. Certainly; and that they ought to be suppressed by efficient law, efficiently administered. I think there would be in any properly-administered State government the efficiency needed to suppress them.

Question. Have you ever heard of a man's being convicted in the State courts of Alabama for the perpetration of a Ku-Klux outrage?

Answer. I do not think I have ever heard of anybody being convicted for any Ku-Klux outrage.

Question. You have not heard of any man being convicted for putting on a disguise and trespassing upon the person or property of another in the State of Alabama?

Answer. No, sir.

Question. But such things have taken place, without doubt?

Answer. Such things have taken place there notoriously; but not recently, as I am advised.

Question. Has not the recent act of Congress, passed for the purpose of suppressing such things in Alabama and in other States, where perhaps they are more prevalent, been denounced in your State?

Answer. I do not think the present act of Congress, so far as Alabama is concerned, is going to change our condition at all.

Question. But have not your newspapers denounced the act?

Answer. Oh, yes.

Question. Is there generally any difference as to the manner in which the republican and the democratic papers speak of that act?

Answer. The democratic papers do not approve of it. I do not approve of it myself. If I had an opportunity to express myself, I should be apt to denounce it.

Question. The democratic papers denounce it?

Answer. I suppose so. At the same time I have felt as little concern about that law as almost anybody, because we have been under just that sort of pressure for a number of years past.

Question. But the democratic papers denounce the law, while the republican papers sustain it?

Answer. I reckon so. They are very apt to follow the behests of their leaders and rulers.

By Mr. COBURN:

Question. You spoke about your disarming some Ku-Klux?

Answer. I did not speak of having disarmed Ku-Klux; but when it was intimated to me that probably I would be advised by some of these men that my wife must stop teaching our negroes, I said that before I would allow that sort of thing—before I would tolerate such a trespass upon my rights of domicile or family—I would, at the peril of my life, pull the masks from the faces of such men if they should come. It was one way of expressing my determination to resist anything of that sort.

Question. You did not, then, disarm any Ku-Klux?

Answer. Oh, no; they never came near me. I spoke of disarming some negroes who, one Sunday, got into a quarrel and threatened one another very seriously.

Question. In relation to Mr. Lakin's testimony, I want to ask you whether you read the testimony as reported by the regular reporter of the committee, or merely a newspaper report?

Answer. I was referring to the abstract which has been printed in the newspapers. It has not been contradicted.

Question. Did I understand you to contradict generally Mr. Lakin's statements as given in that abstract, or merely to refer to your impressions?

Answer. I only referred to his own statements contradicting what he had said here—his statements to a number of persons in Huntsville.

Question. In what paper was the abstract to which you refer published?

Answer. All the papers, I believe. I think I saw it in the Nashville Banner; and I do not know but that it was copied into the Huntsville papers. Perhaps I saw it also in the Cincinnati Commercial.

Question. Was the statement the same in all the papers?

Answer. It was the Associated Press telegraphic report. That is my recollection of it.

Question. You said that Mr. Lakin was an intermeddler, doing offensive things. Now, what are we to understand by "intermeddling?"

Answer. I mentioned as an illustration the case of the colored minister Hamer, who came to Alabama to organize his church. I have been told that it was Mr. Lakin's influence that compelled him to leave; that he went away in consequence of intimidation and threats.

Question. When Mr. Hamer went there, to what place did he go?

Answer. To Huntsville. The colored people had held church in a building there. It may have been that the congregation all went over under the seductive eloquence of Mr. Lakin; but at any rate the organization was disbanded; the southern colored church there was broken up by his influence, and the building taken possession of.

Question. Was there any violence done?

Answer. Hamer was threatened with violence, as I was informed. I do not state anything about the matter from personal knowledge.

Question. You said you were at a four days' meeting held by Mr. Lakin.

Answer. I did not say I was there. I said he held a four days' meeting in a part of my district.

Question. And you were there?

Answer. I could hear them singing and preaching

Question. From your residence?

Answer. No; from where I was sojourning.

Question. Did you say you spoke to some Ku-Klux or some boys who were threatening to Ku-Klux somebody?

Answer. They did not threaten to Ku-Klux anybody. I had heard there had been some Ku-Kluxing, some whipping, either of white men who lived in concubinage with black women, or *vice versa*. I did not know whether these boys were Ku-Klux. They were young fellows and pretty wild, such material as I inferred made up the Ku-Klux—latterly at any rate. I said I hoped nothing of that kind would occur. Some stories about Mr. Lakin had preceded his coming there, and I said I hoped nothing of that kind would ever occur.

Question. How many of those young men were there?

Answer. Half a dozen, or two or three, just as I casually met them.

Question. Did you say this at different times?

Answer. No, sir; just once, perhaps. I know that I must have made that remark, because my competitor stopped me in one of my speeches, and wanted to know if I had said that I hoped they would not Ku-Klux him till he got out of the county. I never had stated any such thing. If anybody had threatened to Ku-Klux him, I would have told them not to do it; I would not have permitted it under any circumstances.

Question. You spoke of being obliged to vote at a back window, when black men voted at the front door; did you want to vote at the front door, or try to do so?

Answer. I did not undertake to vote at the front window; I saw that the black men's votes were being received there, and I was told that my vote would be received at the other place; so I put my vote in at the back window.

Question. Was it not just as convenient for you to vote there as at any other place?

Answer. No, sir; I had to go behind the house, as it were, in order to vote there.

Question. What was the inconvenience of going round?

Answer. The inconvenience was that it was a discrimination very largely, as I thought, in favor of my "colored brethren," and obliging me to go further around than I wanted to go just at that time.

Question. How far was it back to where you voted?

Answer. Well, the distance was not so important; but you will understand there was a discrimination made, and the colored man was allowed greater privileges than the white; it was a freer suffrage to him in one sense than it was to us.

Question. Do you mean to say that the colored men voted at one poll and the white men at another?

Answer. No, sir; they both voted at the same poll, but the receptacle for the black men's votes was the front window, while the white men's votes were received at the back window.

Question. Were there two sets of election officers?

Answer. No, sir; the sheriff in charge of the election, I believe, received the votes and handed them to the inspector. He could receive a vote at one window, and then turn round and go to the other window.

Question. Walking clear across the house?

Answer. In a little country precinct, the people do not vote very rapidly. I do not think that more than fifty or sixty votes were received there.

Question. This was not at a court-house?

Answer. No; it was at a shed addition to a country store.

Question. You said, I believe, that the people at the North would not tolerate for a moment local officers such as you have down there?

Answer. I said that they would not tolerate such persons as, with rare exceptions, were chosen at that election by the failure of the white people to vote.

Question. Do you think they would resist by violence the action of officers of that kind?

Answer. I believe that in the county of Ontario, New York, they would not tolerate at all such officers as we have had; a sheriff, for instance, who could not make a return of process intelligibly.

Question. Do you think the people of the North would resist violently the action of such officers?

Answer. I think that such an officer as that sheriff would be turned out in some way I have a very good opinion of you, sir, and I rather incline to think that you would resist that kind of thing.

Question. You said something about promises of mules and lands by the republicans Do the democrats always tell the truth when they are making political speeches?

Answer. If you put that to me personally, I will say that, so far as they are represented by me, they do.

Question. I do not mean to put the question personally, of course.

Answer. No; I think democrats are fallible; I think they do make mistakes.

Question. Well, if any such thing was said, do you not regard it as being a mere electioneering dodge?

Answer. Yes, sir; but it had its influence on the colored people.

Question. A serious influence?

Answer. Yes, sir, a serious influence. The colored man was disappointed. There was, beyond doubt, that kind of talk. You recollect this man Callis, who was here in Congress once, and who was in some way implicated, I believe, in the sale of cadetships; at least there was an intimation of that. Such a man would tell those fellows that forty acres and a mule would be gained by taking a particular course politically. I do not know that he did say anything of that kind, but it would be very characteristic of him. It was generally received as something promised; and it was not altogether without plausibility. Why do you discriminate in your legislation against the South, and tie up the public lands there so that they cannot be bought as they can in other sections? Why have you adopted as to the South the restriction of eighty acres? What was that for? Mr. Wendell Phillips came out in a very elaborate article, in which he suggested that negroes should not only have their eighty acres or forty acres, whichever it was, but a cottage, all furnished to hand!

Question. When did he say that?

Answer. Last year. I saw it published over his signature in the Anti-Slavery Standard.

Question. Do you think it had a bad effect in your section of the country?

Answer. It had a good effect on some of the voters for me. I read it pretty effectively.

Question. Do you think it had any effect in making the Ku-Klux more virulent, or in stirring up the black men?

Answer. No; I think the black man is behaving himself now very well.

Question. You said something about a Colonel Shirk, of Peru?

Answer. I only mentioned his name from recollection. There was a Captain Shirk in the Navy; and perhaps my recollection may be confused as to the name. I will try to get the correct name.

Question. What was he doing down there? What office did he hold?

Answer. He held no office; he was a mere visitor.

Question. Did he profess to know Mr. Lakin?

Answer. Yes, sir, I believe he did. He did not to me, for I never saw the man.

Question. Do you know how long he was there?

Answer. No, sir.

Question. You said something about a Mr. Van Valkenburg?

Answer. He is my informant.

Question. Was he from Peru?

Answer. No, sir; I do not know but he may be from Indiana.

Question. Is not the town of Peru in Indiana?

Answer. I think it is in Illinois.

Question. There is a Peru in Indiana.

Answer. I did not know it.

Question. I think Mr. Lakin said he was from Peru, Indiana.

Answer. Well, I may be mistaken upon that point.

Question. Where is Mr. Van Valkenburg now?

Answer. In Huntsville. His name is John Van Valkenburg.

Question. What did he say?

Answer. He said that Mr. Shirk, or this gentleman, whatever his name was, who came from Peru, said that Mr. Lakin was under a cloud of some sort ecclesiastically; that he ran for some office—school commissioner or something of that kind—and owing to his being under this cloud he got hardly any votes.

Question. I understood you to say that Mr. Lakin's mission, as you thought, was political as well as religious, and that it was difficult to separate the two. Do you think that was the case?

Answer. I think that his mission was very much mixed. I do not see why, as a minister, he should have selected a man like myself for comment in a political speech to his congregation, especially as I had been a Union man all the way through. I only heard this incident recently.

Question. You spoke about southern men not fraternizing or associating on terms of social equality with men who associate freely with the colored people?

Answer. Who associate as equals with the colored people socially.

Question. Have not certain white men down there been the fathers of colored children?

Answer. I have heard of that frequently.

Question. Do the people there repudiate, socially, white men who have become the fathers of colored children?

Answer. I do not know that they do. That is a different thing. The man who does

that commits an offense admittedly and against his own standards of morality; he does not assert that the thing is proper; it is done by stealth.

Question. Has such a thing put men under the ban, socially, in your region?

Answer. Oh, no; North or South it has not done that, so far as I have heard.

Question. Is it not a fact, and has it not been a fact, that many of the most influential and respectable men in the South are reputed to be the fathers of colored children?

Answer. I think that imputation is a great deal broader than justice or truth would warrant. I know that it is imputed to them. There are cases, very likely, of young men who at indiscreet ages have committed such acts; and, of course, there are instances of men who are lax in that respect all through life.

Question. You think it is a fact that such men have become fathers of colored children?

Answer. I think that white men down there are the fathers of children by colored women.

Question. Respectable men—men of influence?

Answer. Yes, sir; but it has not been practically avowed and justified; it is not done in pursuance of an accepted theory.

Question. I am merely inquiring as to the test of respectability in that community. You said it was disreputable there for a man to associate with negroes.

Answer. I said that the southern people never could be expected to extend social equality to men who come down there and have colored men and women at their tables.

By Mr. BLAIR:

Question. As to northern men who go down South on visits, are they not as lax with the colored women as southerners?

Answer. I reckon so.

By Mr. COBURN:

Question. Do white men who have such intercourse with colored women lose their respectability?

Answer. There is such a thing as being respectable in theory and yet committing sin. There is such a thing (and I know you will agree with me perfectly) as offending in act, yet being right in theory. I, for one, say a man who is sound in theory is more to be trusted than a man who simply happens not to sin, but has no correct theories of right. I want a man to have right theories, even if he has not right practices.

By Mr. BLAIR:

Question. I want you to give us some idea of the rate of taxation in your State as compared with what it formerly was.

Answer. On that subject I desire to refer to information which I have here from an authentic source, and which I know to be correct, because it has been verified by my examination. In 1858 the total State tax of Madison County, (the county in which I live,) from all sources, was $23,417 63. In 1870 the total State tax of Madison County was not less than $65,000, made up as follows:

Tax on real estate	$51,445 30
Tax on personal property	8,471 75
Tax on licenses, polls, insurance, &c., estimated at	5,082 95

The estimate of taxes for polls, insurance, &c., is a low one, and the probability is that the aggregate will in fact fall but little below $70,000. The total State tax on land in Madison County in 1858 was $7,213 10; in 1870, it was $51,445 30—a difference of $44,232 20. In other words, the total tax paid on land in our county in 1870 was more than seven times what it was in 1858. And before the war we had over thirteen thousand slaves in the county, worth not less than $8,000,000—a sum fully equal to the value of all the taxable property now in the county. My taxes last year were three times as great as the year previous; in other words, they were trebled—I will not say within one year, but within two years.

Question. Has there been a similar increase, as a rule, in all the counties of your State?

Answer. Yes, sir; that is my impression. This great increase of taxation is the common complaint. But the taxes now, I am informed, are less.

Question. Since the new State government has been elected?

Answer. Yes, sir; so I understood.

Question. You have enumerated simply the State tax in your county. What is the county tax; has that been increased in a similar proportion?

Answer. It is very large; I have not a statement of that. Men from Montgomery would be much better informed upon this subject of taxation than myself.

Question. As you are a tax-payer there you must know something about the rate of taxation for county purposes—whether it has increased in the same proportion.

Answer. The county taxes have increased very much; but I do not know whether the increase has been in the same proportion.

By the CHAIRMAN, (Mr. POLAND:)

Question. Has this increased taxation in your State furnished in any form the occasion for any acts of violence?

Answer. Well, it is among the causes of complaint. It might be associated with acts of violence. I have never heard acts of violence attributed to that cause.

Question. In any case of the unlawful violation of person or property in your State, has the excuse for it, so far as you know, been the increase of taxation?

Answer. I have never heard of it.

WASHINGTON, D. C., *July* 17, 1871.

WILLIAM H. FORNEY sworn and examined.

The CHAIRMAN, (Mr. POLAND.) As this witness has been called by you, Mr. Blair, you will please commence his examination.

By Mr. BLAIR:

Question. State where you reside, how long you have resided there, and any official position which you may occupy at the present time.

Answer. I am from Alabama, the town of Jacksonville, in the county of Calhoun; I have resided there for over thirty-five years. I do not hold any official position at this time, but I am engaged in the practice of the law, and practice in five or six counties.

Question. In that circuit?

Answer. Yes, sir; I practice in all in that circuit and one county more.

Question. Among the objects that this committee has in view, one is to ascertain as far as possible the condition of affairs in the Southern States in respect to the protection and security of life and property, and the enforcement of the laws generally. Please to state as far as you have any information or knowledge upon that subject.

Answer. As I have stated, I am frequently in some five or six counties, and attend the courts regularly. I am satisfied that any person who visits that country is safe in his person, and that the law is rigidly enforced there; I might say that all are safe in their persons and property.

Question. What are those counties in which you practice?

Answer. Cleburne, Calhoun, Cherokee, Etowah, and St. Clair in my circuit; and then I practice in De Kalb and Talladega, but not so much as in these other counties; these are the counties composing the twelfth judicial circuit.

Question. Is there any secret organization of disguised persons whose purpose is to resist the law?

Answer. There is no organization there to resist the law. In my county bands of disguised men have appeared on several occasions, in numbers ranging from five or six to probably as high as fifty; they appear in disguise; but I do not believe that they are organized for the purpose of resisting the law; it is merely to take the law in their own hands, and chastise parties; it is more in the nature of a patrol. With the exception of one case, I never knew them to do anything outside of whipping parties; and those that they whipped were offensive to the people from the fact that they regarded them as drones in society, and thieves, rascals, persons who paid no attention to or took no interest in the care of their families; persons who visited bawdy houses, and rather kept that kind of people. Those places have been visited and the people chastised. Negroes who made their living entirely by thieving have frequently been whipped. This organization does not seem to pay any respect to persons. Wherever a man of that character appears, whether white or black, they would whip him; but they do nothing more than to whip him.

Question. It had no political consequence?

Answer. None in the world. The last one they gave an order to was a democrat. I do not think the parties who compose the organization know much about politics, and they do not care much about politics. I do not think the politicians of the country have anything to do with it; leading politicians of the country are opposed to it.

Question. We have had here the testimony of Mr. Parsons in reference to a case of violence that occurred in Calhoun, at Cross Plains; the occurrence took place in 1870, and there was subsequently an inquiry by one of the judges of the State?

Answer. Yes, sir, that is the one I alluded to as the exceptional case where there was violence done.

Question. I wish you would give us an account of that case, and what connection you had with it.

Answer. I was an attorney for some eight or ten young men who were arrested upon a warrant issued by Judge Peters. Judge Peters was selected by the governor of the State to investigate that matter thoroughly; he is one of the associate justices of the supreme court. The justices of the supreme court have jurisdiction all over the entire

State: the circuit judges have jurisdiction only in their respective circuits. It was thought necessary to have a judge whose jurisdiction extended over the State, in order to bring up witnesses from any portion of the State. That was the excuse given for selecting a judge of the supreme court. The investigation commenced in August, and lasted two months; during that investigation I suppose one hundred and twenty or one hundred and thirty witnesses were examined, and at least seven hundred or eight hundred foolscap pages of testimony were written down. Governor Parsons represented the State; he is regarded as one of the first lawyers in the State. I was there present all the time. The evidence tended to establish this fact, that on the 10th of July——

By the CHAIRMAN, (Mr. POLAND:)

Question. In what year?

Answer. The evening of the 10th of July, 1870; a difficulty occurred between a young white man, who is about seventeen years of age, of the name of Patrick Craig, and a negro boy, about some trivial boyish matter; they got into a difficulty and had a fight. There were a great many white persons and colored persons around, but no one participated in the fight. About the time it was all over the southern train came up, and the firemen on the southern train, black men, made some demonstration to take part in the fight. That was resisted by the white men around there, but nothing grew out of it. It was a small matter, nothing serious; I do not suppose the white boy or the negro was very seriously injured; they got up near a wood-pile and threw some billets of wood at each other. No one paid any attention to it. The boy ran off towards Paytona; that is a depot of the Selma Railroad, and is about three-quarters of a mile from Cross Plains. At Paytona there is a large number of employés belonging to the railroad, mostly negroes. I suppose there would be one hundred and fifty negroes there, probably of all ages and sexes, and perhaps fifty men. Nothing more was thought about the matter until about 9 o'clock at night. There is a negro there by the name of Oliver Duke, who was regarded in that country as a democratic negro, and not very popular with his color on that account. Near the village of Cross Plains is a little place called Tobetown, but really a part of the town; it takes its name from the chief negro who lives there. I suppose there are five or six cabins there, all occupied by colored people. This Oliver Duke came from that place, very much frightened; he met a daguerrean artist there, who was out hunting for his family physician, and said to him that he had seen a number of armed negroes in Tobetown, and he was satisfied they were bent on devilment, that they intended to do some mischief that night. He then went on to the hotel where he was staying, and told the same to his employer. This daguerrean artist went to the church and communicated it to some persons outside there. As soon as the congregation was dismissed, of course it was rumored around that the negroes had congregated in Tobetown, with a view of making an assault. The women became very much frightened, and a great many of them remained in church; some few started on home, not believing there was anything in it. This boy, Patrick Craig, who had had the difficulty the evening before, in company with two boys of the name of Keith, and another friend, took a back alley that goes to the house of Mrs. Keith, and there they found a shot-gun and two or three pistols, and with them came out into the street. About the time they got into the middle of the street, the congregation from the church was passing along, but there were no negroes then in sight. In a moment eight or ten or fifteen negro men came out from behind a blacksmith's shop, and a negro called out, "Here they are," and fired his pistol into the crowd. Then another one fired, the wadding falling among the women; there were men, women, and children going along together. Of course, there was a panic then. One of the boys hallooed out, "Charge them," and rushed through the crowd of church-going people and fired his pistol. From that they had a skirmish; I suppose there were twenty or thirty shots fired. The negroes retreated and went in the direction of Paytona. After getting about two hundred or three hundred yards they rallied, got into a parley, and discussed whether they should return. They were rather boisterous; some were for returning and fighting it out, cursing some of the others for being cowards. After holding a council of war they resolved to "go down to Paytona and get seventy-five well-armed men"—that was the expression the witnesses say they used—"and return, and whip out and burn up the damned town." That was said in the presence of a man by the name of Stevenson; he was a carpenter, and had the reputation of being an honest and industrious man. He went to the village, and there he found the people in considerable stir, but not armed. He announced what the negroes had decided upon, that they would go to Paytona, return with seventy-five armed negroes, whip out the town, and burn it up. As soon as that was announced, of course they commenced to organize. It was then determined by the people that they would organize merely for defense. After that was agreed upon they found there were some twenty-five or thirty congregated, people from different parts of the village. The town is named Cross Plains because of the crossing there of two public roads. Some one said they should select some old man that would keep the youths of the town from doing any mischief.

They called upon an old man by the name of Johnson, who is a merchant there, a very respectable citizen, probably as much so as any man in the village. He declined on account of his age. Finally they succeeded in selecting Major A. D. Bailey, who is the principal of the male academy there. Bailey agreed to assume command of the force upon condition that all would obey him. Well, it was understood that they would, and that they should act entirely upon the defensive, that they should not leave the village. He assumed command, and sent out and posted his pickets. After remaining there some length of time and hearing nothing from the enemy, he sent out some scouts; they returned and reported all quiet. After the thing had calmed down and become quiet they sent a party of young men up to Tobetown, to ascertain who the negroes were who were in the place. From a negro woman living there they got the names of about ten who were up there that night. They took a list of the names, and about 2 o'clock, as the northern train was going towards Paytona, Major Bailey thought it best to go on the train and go down the road, in order that no one of those ten whose names were on the list should escape. He took eight or ten men, and stationed them along, and gave them directions to let no one get on the train whose name had been furnished them. It turned out that no person of any kind attempted to get on the train that night. After the train left, one of the employés, of the attachés, of the railroad, came to Major Bailey and told him that there was a wounded negro in one of the cabins. Bailey went there with his friends and found out that the negro had been wounded with squirrel shot. The negro finally admitted that he was with the party who had made the attack on the town there, and Bailey then told him that he must go with them. It was then getting about 4 o'clock in the morning, I suppose. Bailey told the negro that he would not be hurt, but they wanted him up there, as he was one of the party that was in the attack; and, in addition to that, they wanted to get information as to who really were the other persons. The citizens had met and had sent a runner to Jacksonville, where the sheriff resided, with a request for him to come up in the morning and have the matter investigated. About the time Bailey was sending off this wounded negro some of the boys of his party came to him and told him that there were a number of negroes advancing upon them. He ran out and halted them; he could hear the click of their pistols. Bailey announced to them that they must not advance any further, and they made no further attempt to advance. Soon thereafter two other negroes came from another direction; they were ordered to halt, but before doing so they clicked their pistols and snapped. A boy by the name of Keith, I think, shot at them, and hit a negro, who turned out to be a negro by the name of Jacob Moore. They took him and carried him back to the village, Bailey stopping those who were approaching and giving orders to his men not to fire, that there must be no shooting. He brought up the rear, driving his own party ahead, and hallooing to the negroes near by, some five or six as it was reported, not to come any further. They did so, and there the matter ended. During the night they had sent runners in various directions, asking the people to come in and protect them. One man had gone I suppose ten or fifteen miles, and by daybreak he had come back with twenty white men. Runners were sent in other directions, and by sunrise the next morning I suppose there were from fifty to seventy-five persons from the country who had come in armed. They believed there had been an attack on the town, and they thought it was necessary for them to come in and protect the people. The bailiff of the beat and the justice of the peace were sent for; regular affidavits and warrants were issued. The party there returned to Paytona for the purpose of arresting the negroes whose names had been furnished them. A white boy by the name of Keith said that there was a white man in the crowd, that he thought he had seen him. When they got to Paytona, as they were passing along by the house of a white man by the name of William C. Luke, a Canadian, who was teaching school there, this white boy pointed him out as the man that he thought he saw the night previous. They had no warrant for him, but they told him of the fact, and he said he was willing to go with them and have the matter investigated; and he went on to the village; I suppose a great many negroes were carried up as witnesses, and some ten or twelve as prisoners. They had an investigation before Justice Neighbors; a large number of people had congregated to hear it. The investigation ended a little before sundown, and they adjourned over until the next morning. The sheriff was directed by the justice to get a sufficient guard to hold the prisoners until next morning. Some believed that they might be rescued from them; that the negroes would rescue them that night. The sheriff summoned some eight or ten persons for that purpose. About night-fall it was announced that one of the negroes who was considered as a party engaged in the affair of the night before, was down at Paytona; and the deputy sheriff ordered some young men to go down there and arrest him. In doing so, when they got near Paytona, they discovered a little negro boy running down to a place called the tank; they overtook him and asked him where he was going; he said he was going to tell Jim Hughes, the negro they were after, to leave. They asked him who told him to do that; and he said that William Hall told him so. By that time they came to William Hall's house, and the white men arrested him.

By Mr. BLAIR:

Question. Was he a negro?

Answer. Yes, sir; a negro. They delivered him to the sheriff, and said, "This is not one of the party that we were sent for, but he gave information to Jim Hughes, the party we were after, to leave, and we thought he ought to be taken up for doing that;" the deputy sheriff said, "Put him upon the stand with the balance," and they did so. That night, about 12 o'clock, some disguised men came into the town and took off William C. Luke, the three colored men, and William Hall, carried them out some distance from the town, and hung them. After that, the governor sent Judge Peters to ascertain who the parties were. Governor Smith was there, and General Crawford was there, with a squadron of cavalry and a company of soldiers, to see that the matter should be thoroughly investigated.

Question. In this attack by the negroes upon the congregation that came out of the church was there anything serious?

Answer. No one was hit; I noticed where I could see some of the shot on the opposite side of the street from where they were. After examining all sides, both parties, the impression made upon my mind at the time was that eight or ten negroes had gone up into that town with a view of getting into a difficulty with Craig and his friends; that in passing down the street—it was a bright moonshiny night—they saw Craig and recognized him, and made that reckless assault by firing over the men, women, and children passing along the street.

Question. Their intention being to attack this boy Craig?

Answer. To attack him and his accomplices, there is no doubt about that; and in doing so, they fired over the people. The impression made upon the citizens of Cross Plains was that they had fired right into the crowd. I am satisfied they never would have been hung if the people had known it was a mere fight between the colored men and the white boys. But that day, in the investigation, there were no attorneys there: Mr. Luke, the white man, examined the witnesses. The impression was still left upon the minds of the people, for I know it reached me, that the negroes had made a reckless assault, a murderous attack, upon white people returning from the church.

Question. Women and children?

Answer. Yes, sir; men, women, and children. And no doubt the persons who were there that day just resolved that they would take the law in their own hands and hang them; they believed that in doing so they were protecting themselves in their persons and property; that this was an outrage, and it was looked upon as a murderous attack, uncalled for and reckless; and that that kind of conduct should be met in the same way; and so they hung them. I do not suppose that any person in the village, or, at least, I will say that nineteen-twentieths of them honestly believed it was an attack upon the people promiscuously, and not intended merely for those boys.

Question. In the proceeding which was had before one of the judges of the supreme court, did he make any finding or come to any conclusion in reference to it?

Answer. Yes, sir. We commenced on three or four at first, and by the time we closed I think they had nine arrested for murder.

Question. Nine citizens of the town?

Answer. Yes, sir. Most of the persons they arrested were there that night, were present when the disguised men carried off these persons; three or four of them were guards. Governor Parsons took up the idea that they were *particeps criminis;* he thought that all the guards were *particeps criminis.* Judge Peters discharged five and admitted the balance to bail for a very small amount, which was enough to show that he did not believe that they had anything to do with it. But during this investigation it was shown that some of them had probably whipped negroes; that was really proved on them; that they had been seen in disguise, and had chastised some negroes. I never was able to ascertain whether the judge bound them over, although they drew up the bond, to answer to the indictment in regard to William C. Luke and others; I think he bound them over to answer to some of the other charges, for in writing up his opinion he embraced some eight or nine offenses they had been guilty of. The grand jury afterwards ignored the bill, except against one man.

Question. Was he ever tried?

Answer. No, sir; he is represented as being in Georgia. There was only one witness who testified relative to him, and upon inquiry it was found out that he was in the State of Georgia at the time, and could prove that he was, and they made no attempt to arrest him.

Question. Upon whose testimony was this bill found?

Answer. This bill was found upon the testimony of Lewis M. Force, who came down there during the investigation for the purpose, as he said, of getting some troops to have a man, who had been arrested for a rape upon his daughter, removed from the county of Cherokee to the county of Calhoun, as they regarded the Calhoun jail as the safer one. Being examined, he said that this Georgian, by the name of Johnson, had told him that he did it. We made inquiries about Force, and found out that he was a man of no standing; that he told this great tale upon Johnson, and that he left Georgia

after shooting Johnson, had gone into Johnson's town and shot him; Johnson was then in a dangerous condition. He did not testify against any parties who were on trial.

By Mr. BECK:

Question. That Force himself had shot Johnson?

Answer. Yes, sir; I suppose, as that is mentioned, I had better explain how Force came to shoot Johnson. Force was anxious to arrest a party by the name of West, whom he accused of having committed a rape upon his daughter.

By Mr. POOL:

Question. Was West a white man?

Answer. Yes, sir. Force called upon Johnson to assist him; Johnson represented to him that he belonged to the Ku-Klux Klan, and that he would aid to arrest him if he would pay him; Force agreed to pay so much to any person who would arrest this man West, probably $100 or $150. West, I think, had been arrested and had escaped, and he wanted to rearrest him; this is what I learned from Force, and from an investigation into the matter to see whether the State of Alabama should make a requisition for Johnson. Johnson and Force met several nights; Johnson was to get this man to a particular place, and Force was to be there and seize him. Well, they met on two or three nights, and of course Johnson did not bring him up, but would always make some excuse. Finally, Force says that he agreed to join the organization; he said that Johnson then told him about the nature of the organization; that he himself belonged to it; that there was headquarters in Atlanta, with a large number of men in Georgia, and with headquarters in Alabama; he pretended to say that they had signs so that they could recognize each other, but he did not give them; Force agreed to join, and as Johnson did not have the power to initiate, he was to meet at Alpine, in the State of Georgia, and take the oath that was required. Johnson then told him that he must go out on a raid with him; so they got some sheets to cover themselves with, and went out on a Ku-Klux raid—I think there were Force, Johnson, and another person—and whipped two or three negroes in the night, according to Force's statement. Force said that he got enough of it; that they had traveled him all around; that all had got drunk; he was asked how much they drank, and I think he said they got a quart at three different places; and that about daybreak they got through with their tramp; he then said he declined to take their oath; that he went up to Alpine, but never took the oath at all. He afterward, through the assistance of Johnson, I think, got on the track of this man West, who had started into the northern portion of Alabama, and West was arrested, brought back, and lodged in jail in Cherokee County. Johnson, I understand, called on Force for his pay, and by some means or other got possession of a mule belonging to Force, and went with it to Alpine, in Georgia; Force followed him, coming up with Johnson at Alpine, shot him down in the street with a double-barreled shot-gun, and then left and came down to Paytona, where the troops were, and saw Governor Parsons, and told him all that had occurred. Governor Parsons then put him upon the stand as a witness. I noticed him there some two weeks, and had some suspicion that he would probably be made a witnesss. I inquired of one of my clients if they had been talking to Force, and one fellow said he had; I told them that there was danger in Force, and that they must not talk before him or give him any excuse to say anything about them. He had some friends to write up in the section of country where Force resided, near Alpine, in Georgia, and we ascertained that he was a man not entitled to any credit. When he was placed on the stand he gave no evidence against our men; I never cross-examined him, for I looked upon it as nothing. I did not believe at that time that Judge Peters regarded what he said as anything; because if they had believed that this man Johnson had shot one of the negroes, as Force said he told him, that he was present, saw the men shot and hung, and was a party to it, they had a squadron of cavalry there, and the governor of Alabama could easily have made a requisition upon the governor of Georgia, and have Johnson brought there. But there was nothing of that sort done, no one, as I conceived, having any confidence in the statement of Force. They sent this squadron of cavalry into Randolph County and brought witnesses from there, while Johnson was not over thirty miles from there, and the governor of Georgia was within less than ninety miles, and the governor of Alabama was there, and could have made the requisition, and the troops could have enforced it.

Question. No one gave any credit to Force's statement?

Answer. I do not think any one did

Question. I understand you to say that Force testified directly and pointedly to the fact that Johnson was at Cross Plains at the time of this riot, and had himself killed one of the negroes.

Answer. Yes, sir; Force pointedly testified that Johnson told him that he was present at Cross Plains when Luke and the negroes were hung, and that he gave one of them a "damned good load through the head." Now, one of the negroes was shot. Johnson had gotten into a difficulty up there, and came down to Cross Plains on a drunken spree three days afterward, and of course knew exactly what had been done; and

somebody said that he probably got one of the hats of the negroes, and went back to Georgia and made this big talk. It was proved before Judge Peters, and Governor Parsons, and all; that testimony was thrown before the grand jury, and Force was carried before the grand jury. And I have understood that they found a bill against him, but I do not know that.

Question. Found a bill against Johnson?

Answer. Yes, sir, upon Force's testimony; but there has never been anything done with it.

Question. Force made disclosures in his testimony, or purported to do so, as to the organization of the Ku-Klux Klan, did he not?

Answer. Yes, sir. I do not recollect all he said; one thing was that the organization was to have something to do with the elections; he said to try and control the elections; but I am not clear about that.

Question. And he undertook to divulge the secrets of the organization throughout?

Answer. Yes, sir; he undertook to show that there was an organization in the State of Alabama numbering thousands, and an organization in the State of Georgia numbering thousands, and that their object was of a political nature, to keep the negro in subjection; just a great, long-winded tale.

Question. Was there any proof elicited before the examining judge as to the character of this man, or did you content yourself with just ascertaining his character?

Answer. Force in giving his testimony did not testify against the men I represented; I was not representing the Ku-Klux organization, only men who professed to be innocent; we were not defending the organization, and he did not give any testimony against the men I represented. I did not cross-examine him, and did not introduce any testimony to show what kind of man he was, for I did not conceive it necessary. I must confess I saw the investigation was rather taking a political turn, and I did not feel disposed to go into that. We probably would have done so, as I belong to the opposite side, but we did not for a long time; I saw what Governor Parsons was up to; I discovered that.

Question. His object was to implicate ——

Answer. Governor Parsons's object was, as I conceived—of course he wanted to find out who were engaged in hanging those men, but at the same time he wanted to show to the North that there was a secret organization down there, having for its object to control the negro vote, or to prevent them from voting. In other words, he wanted to get up something, as I conceived, for the northern mind to feed on; to have something to keep up the excitement. My courts were going on, and the fact is, I did not have time to go into it. As an evidence of that, at the end of each week, I proposed that the investigation should stop, and we would enter into a bond for any amount his honor might indicate for our appearance at court. Governor Parsons invariably declined, and insisted that the investigation should go on.

Question. Nobody placed the slightest reliance upon the evidence of this man Force?

Answer. No, sir; I do not think Judge Peters did. Judge Peters was sent there for the purpose of investigating this matter, and bringing to justice the men who had committed that outrage. He was assisted by the sheriff of the county and by General Crawford's troops; he had a squadron of cavalry and a company of infantry. If he had believed that this man Johnson had been a party to it, why, of course it was his duty to see that the necessary requisition was made upon the governor of Georgia, or to have sent this cavalry up there and brought Johnson down, for he was not more than five or six miles across the line.

Question. There was no direct evidence implicating any of the persons on trial in the crime?

Answer. None in the world — yes, there was this negro, Oliver Duke, who testified that he was in the hotel, and that the leader of the Klan was riding a chestnut-sorrel horse with a white face; that he gave a loud war-whoop, and said, "Now for Paytona," or something of that sort; I do not know that that was it. He said he believed the man who gave that whoop was a man by the name of Estes; I do not remember his given name; he was one of the parties on trial.

Question. He was one of the parties under arrest?

Answer. Yes; well, we showed that when they returned they went by the hotel under whip and spur.

Question. That no such scene as the negro described ——

Answer. That his halting in front of the hotel and hallooing did not take place. Well, I have got it into my head that he was going to swear, "Now for Paytona;" but I do not know whether he did or not. At any rate, he said he recognized Estes's horse, and that he knew the loud, shrill halloo of Estes, and that he believed the man in front, one of the parties on the trial, was Estes. To offset that we showed that when they returned from the hanging they went by the hotel at a fast gallop.

Question. The result was that no bill was found against any of these parties?

Answer. None against any of them.

Question. And none against any other party, unless against this man Johnson, on the testimony of Force?

Answer. He was the only party implicated directly.

Question. And notwithstanding that, no effort was made to secure his person, or to bring him to trial?

Answer. None at all.

By Mr. BECK:

Question. Just there, a moment; how long before the time Force testified was it that he had shot Johnson?

Answer. It probably might have been three weeks before that; but I think he came down immediately after he shot Johnson, and represented, as it was supposed that it was necessary for him to have protection, that he did not know but they would go for him for shooting Johnson.

Question. Did he suppose at the time he left there that he had killed Johnson?

Answer. Yes, sir; he no doubt thought he had killed Johnson.

Question. And he reported that to the troops?

Answer. I do not think he told them anything about his shooting Johnson; he came down there and reported to the commander of the troops that he wanted troops to arrest West, the man who had been guilty of a rape upon his daughter, and against whom a true bill had been found; he wanted to carry him from one jail to the other; that can be done by making an affidavit that the jail is insecure.

Question. He came down there and got into communication with Governor Parsons?

Answer. Yes, sir.

Question. What I want to get at is this, whether or not Force, after shooting Johnson and believing that he had killed him, thinking that a dead man could tell no tales, came on down and manufactured this story on Johnson; and told it to magnify himself?

Answer. It was rumored when he got down there that Johnson was not expected to live; and he went to Governor Parsons and, of course, told him these tales.

By Mr. BLAIR:

Question. You say you did not attempt to show his character in court, because it was unnecessary to save your clients?

Answer. Of course.

Question. Did you not provide yourself with testimony in regard to his character?

Answer. Yes, sir; I had a letter written to where he resided for the purpose of ascertaining who he was, fearing that he would testify to something against my men; and I was informed by one of my clients, whose name was Keith, and who feared he would say something about him, as he had been in conversation with him, that he could get plenty of witnesses to prove that he was a man of no standing in the community, and that his testimony was entitled to no weight. But as he testified nothing in regard to our men, of course we did not care about assailing his character.

Question. Simply because it was unnecessary?

Answer. Yes, sir.

Question. If it had been necessary, his character, as you understand, was assailable?

Answer. Yes, sir. Since that I have also understood from other men besides my client that he is a man of no standing in the community at all.

Question. Do you know anything in reference to whether there is any opposition among the negroes to any of their race voting the democratic ticket?

Answer. Yes, sir.

Question. How is that opposition evinced?

Answer. Where I live the white population is about three to one; in the town itself it is about equal. There are a few negroes in our section of the country who seem inclined to vote the democratic ticket, but they do not announce it publicly. They will come to us and say that they want to vote that ticket, but that they do not want to have it known, that they are afraid of those of their color. I only know of one democratic negro in the county getting into difficulty; I think they whipped him there; but that was a fair fight, that is about all. They are afraid of each other about that; there is no doubt about it. In our county, in the last election, I think that we got probably from twenty-five to seventy-five colored men to vote with the democratic party, upon the ground that they were tired with the way things were going on, that their expectations had not been realized. Then, in addition to that, there was quite a number who did not vote at all. It was something novel and new to them at first, and they were prompt to vote; they would order them to go up to the village and vote, and they would go in there, three or four hundred of them; nearly all in the county would center there to vote; they would obey the orders of their chiefs promptly. But we have had a great many elections, and they do not reap any results, they do not gather any fruit from it, and now they do not attend the elections as well as they formerly did, and they do not attend public meetings as they did formerly.

By the CHAIRMAN, (Mr. POLAND:)

Question. How far is Jacksonville, where you live, from Cross Plains?

Answer. It is thirteen miles.

Question. All that you know in reference to this transaction is what was elicited upon the investigation?

Answer. Certainly, and I endeavored to state that, that the evidence tended to show what I stated.

Question. The first connection you had with the matter in any way was when these men were brought before Judge Peters?

Answer. Yes, sir; I was out of the county when it occurred.

Question. You were not there at the time they had these men up before the magistrate?

Answer. No, sir; I saw the testimony before the magistrate.

Question. How long after the transaction was it before the hearing of the case before Judge Peters?

Answer. Something over a month; Judge Peters got there about a month afterward, but the investigation did not take place until probably five weeks after the transaction occurred.

Question. This quarrel originated between Craig, a white man, and a colored man?

Answer. Yes, sir.

Question. What was the quarrel about?

Answer. There are two versions of it; that really did not come up before our investigation; we did not go quite that far back, but I made inquiry about it. One of the versions was that Craig had come to town and requested the negro to hold his horse; the negro refused, and Craig cursed him; then the negro said something, and they got into a difficulty in that way; I do not think that was true, though. I inquired of some other men, and they said that Craig was a little intoxicated; that the negroes had been in the habit of congregating upon the platform of the depot, and Craig went up there, and swinging around, rubbed up against this negro; the negro stood firm, and then Craig gave him a shove and pushed him off the platform, and they got into a fight in that way.

Question. You think that Craig was the aggressor?

Answer. Yes, sir; I think he was; there are two versions: one was that Craig requested him to hold his horse, and the other was that he pushed him off the platform of the depot; perhaps both versions are true.

Question. In this investigation before Judge Peters they did not undertake to go into the merits of the quarrel out of which this difficulty grew?

Answer. No, sir; we were then after a different matter, to ascertain who did the murder.

Question. What time of the day was it that this affray took place between Craig and the colored man?

Answer. I would say that it was about 4 o'clock.

Question. In the afternoon?

Answer. Well, in July, according to the time the train comes in, it would be nearer 6 o'clock, just before sundown; if the schedule had not been changed it must have been just before sundown, for I was up there, and remember getting there just before sundown.

Question. After the difficulty this colored boy went on down to Paytona?

Answer. Yes, sir.

Question. This meeting you have spoken of in the church was in the evening, was it?

Answer. Yes, sir; we call it night.

Question. That is, it was after dark?

Answer. Yes, sir; after candle-light, and probably about 9 o'clock. We use the word "night" at the South for that time; "evening" is between 12 o'clock and sundown; after sundown it is night with us.

Question. As the people came out from the church and were scattered along in the street this firing took place?

Answer. The firing occurred, I suppose, three hundred yards from the church.

Question. The people were going home?

Answer. Yes, sir; some few remained in the church.

Question. They had become alarmed by this time?

Answer. Yes, sir, and remained at the church; others that were not alarmed passed along. Craig and his party were at church, and they took a back street and got up to where the arms were; and as they got out in front of the house of Mrs. Keith, their mother, which I suppose is seventy-five yards from the crossing of the two roads that makes the place called Cross Plains, they could not see any negroes at all; but at that instant the congregation came along, fifteen or twenty men, women, and children, such as would probably attend service at night, probably some as young as ten years; the other party came from the other direction out from behind a blacksmith's shop, and the leader hallooed out, "Here they are," and fired; a majority of the witnesses seemed to testify in that way. The people believed that they fired into them as they passed along; but after thorough investigation of the matter I became satisfied that they

fired at these boys; but at the same time those men who hung them believed the other way.

Question. They did not hit anybody?

Answer. No, sir; I think some lady said that the wadding went against one of their dresses.

Question. About how many of those colored men fired, did it appear; about how many shots were discharged by the negroes?

Answer. I asked that question, and it was represented by men who had been in the army that there must have been twenty or thirty shots on both sides; they represented it as a slight skirmish. Of course it was but a minute that it all took place.

Question. The street was pretty full of people going along from church?

Answer. It was represented that there were some fifteen or twenty persons.

Question. From the evidence you got about it, how large a proportion of those shots that were fired seemed to have been fired by the negroes?

Answer. The whites said that they had a double-barreled shot-gun loaded with squirrel shot, I think, one single-barreled pistol, and probably one of those repeaters that had four or five shots; all theirs together would not amount to more than eight or ten shots.

Question. You think that quite a majority of the shots that were fired were fired by the colored people?

Answer. Yes, sir; I think they were better armed at the time.

Question. Who had the arms on the side of the whites; this Craig, &c.?

Answer. No, sir; they were at Mrs. Keith's, who was the mother of the two boys by the name of Keith, one of whom was arrested. When they heard that the negroes would probably attack them they said, "We have two shot-guns and some pistols;" and Craig and the two Keiths and some other boy, I do not know who, went there and each one got something; one had a shot-gun, one a pistol, &c.

Question. Craig was one of the party that got the arms?

Answer. Yes, sir, he went with the others; he did not have any arms himself, but went to the house and got them.

Question. Did the colored men who appeared there appear to be all armed?

Answer. They were represented to be so.

Question. And quite a majority of the shots were fired by them, apparently?

Answer. I cannot say "quite a majority;" because it was represented that there were twenty or thirty shots, and there must have been at least ten shots fired by the whites.

Question. And among the people who were in the street nobody was hit or hurt?

Answer. No, sir; they soon scattered.

Question. At the first of the firing they were all in the street?

Answer. Yes, sir, at the first of the firing; but as soon as the second or third shot was fired they scattered, and one of the Keith boys hallooed, "charge."

Question. You still think they believe that the negroes intended to fire into this crowd?

Answer. There is no doubt but what the people believed it there the next day, and some of them believe it still.

Question. One of the party was wounded?

Answer. Yes, sir, with squirrel shot.

Question. That was done by Craig or one of the Keith boys?

Answer. Yes, sir, there is no doubt about that. As these boys charged them, the negroes ran through an alley between two stores, and the principal portion of the firing occurred in the rear of the stores.

Question. Did the negroes shoot there?

Answer. Yes, sir.

Question. That was after the first discharge?

Answer. Yes, sir; the white boys charged them and they gave way and went back to the rear of the stores. I remember seeing the marks of the shot behind there. The boys followed until they exhausted their ammunition, and the negroes ran through a field and got down by this man Stevenson's house.

Question. There were only three or four in the Keith party?

Answer. Just four.

Question. There were more of the negroes?

Answer. It was represented that there were at least ten, some thought there were fifteen; there might have been some along not armed; I am inclined to think there were.

Question. What had this white man who was hung to do with the affair?

Answer. I do not think that Luke had anything to do with it, judging from the investigation. One of the Keith boys proved there on the investigation, and he also testified before the magistrate, that he saw a white man in the crowd of negroes; and the next morning when going down to Paytona the second time, this boy said, "There is the man," pointing to Luke, "that I think was there last night." Major Bailey told Luke what he was accused of, and Luke said, "I will go up and have it investigated."

Question. He readily assented to go up with them?

Answer. Yes, sir.

Question. He said that he was not there with the negroes?

Answer. Yes, sir.

Question. You do not understand he was there?

Answer. I do not believe he was; but I believe Luke knew what they thought of doing. It came out on the investigation that Luke said, "I told you not to go;" but we could not get all the facts out. They were very particular not to say anything against Mr. Luke. But one said something that made me infer that Luke knew they were going up there to get into a difficulty.

Question. But so far as you have any testimony in regard to his declarations at all, they were to advise them not to go?

Answer. Yes, sir. I think he knew they were going.

Question. You say he knew they were going, because one of the colored men testified that he advised them not to go?

Answer. Yes, sir; he did.

Question. There was no evidence tending to show that he advised them to go?

Answer. No, sir. The only thing he could be blamed for was that he did not communicate to some person the fact that they were going. After knowing they were going up there for the purpose of making an assault upon other parties, he should have communicated that fact, and have had it stopped.

Question. How many persons did they have under guard that night that Luke was taken out and hanged?

Answer. There were five.

Question. They had five persons under guard?

Answer. Yes, sir.

Question. And the whole five were taken out and hung?

Answer. O, yes; they just swung them all up.

Question. How many persons were there guarding them?

Answer. It seems that there were generally four or five, and they had different reliefs. The sheriff represented that he had summoned some seven or eight.

Question. To act as guards?

Answer. To act as guards; and each guard would get some one to relieve him. I suppose some fifteen or twenty persons stood guard there during the night, and they were lying about on the benches.

Question. Where were these persons kept—in the building?

Answer. Near the crossing, in the center of the town, on what is called a porch, or a platform, as we call it, of a building. In our houses there, as you enter, there is an open porch, as we call it.

Question. They were on this porch, or piazza?

Answer. Yes, sir. It was a new house, and they were put there, and they were all lying down, and the guard was around on this little platform.

Question. What time of the night did it appear that this band of men came there?

Answer. At 12 o'clock or after; not before 12, I think.

Question. Was this band of men disguised who came there and took away these five men?

Answer. They were represented as being disguised with rather a grotesque costume.

Question. Did it seem to be a disguise that was improvised for the occasion?

Answer. No, sir; it seemed to be a disguise that they had used previously; there was some uniformity about it; some of them were represented as having tremendous high-crowned hats, and caps and masks; some of them had on a yellow toga, and others had on white ones.

Question. It was perfectly apparent, from the description of this body of men and the disguise they had on, that it was not a disguise that a parcel of men would get up in a few minutes, without previous preparation?

Answer. No, sir. I am satisfied that in that section of the State there is an organization of some sort, and that they have these disguises. But I do not think any one klan that night organized for the purpose of doing this; but from the number of persons who were there I think it was rather agreed upon that day that these men should be hung. I do not think any one klan said they would do it, (if there is more than one klan in that valley,) but they just agreed among themselves that they would do it, and they just got their disguises and came there that night and hung them.

Question. You think those disguises were all in existence before?

Answer. Yes, sir; I think it very likely that they were.

Question. To what place did they take these men?

Answer. They took them about three-quarters of a mile from where they were—not over three-quarters of a mile.

Question. Did these guards make any resistance?

Answer. I think one did; that he stood up pretty square to them; this Major Bailey made a speech to them and told them not to do it.

Question. Was Bailey present?

Answer. Yes, sir; he was tried afterwards.

Question. Did there seem to be any *bona fide* attempt by anybody to protect those persons?

Answer. No, sir; I do not think there was, because they were all afraid; I think that the guard were very much frightened, and some of them ran.

Question. Did not those persons who were guarding them there generally seem to be willing to be overcome?

Answer. The testimony did not show that. The testimony showed that the first thing the guard knew, they had some five or six guns and pistols; although there were quite a number of persons there they had only enough guns to prevent the prisoners from escaping.

Question. Enough to enable them to guard the persons securely?

Answer. Yes, sir; and as one fellow would go off he would hand his pistol over to another. The testimony showed that when these men all came up they ordered the guard not to move; one fellow commenced resisting, and they put a pistol to his head; and that is a persuader that generally makes men change opinions.

Question. Was this body of men mounted on horses?

Answer. They were all on foot then, but afterward they went through the town on horseback, some eight or ten of them.

Question. They seemed to be provided with horses?

Answer. O, the evidence tended to show that they were seen some six or seven miles from there coming in.

Question. Were seen coming in toward the town?

Answer. Yes, sir; I remember that they were said to have been seen in one place three miles off, and in another place six miles off.

Question. The same party or different men?

Answer. Different bodies; all congregating at this point.

Question. Coming from different directions?

Answer. They all seemed to be coming rather north of the place; there is no testimony going to show that any came except from the north.

Question. They did not all come on the same road?

Answer. No, sir; they came on different roads, because there was another negro hanged in the adjoining county that night, one of the party who had done some of the shooting the evening before; some came from that direction, and that was five miles off.

Question. This other negro they hung was supposed to be one of the same party that had done the shooting the night before?

Answer. Yes, sir; there is no doubt he was one; and he was making his escape and they had caught him.

Question. He had not been arrested?

Answer. They had arrested him and were bringing him there, probably some five or six miles from the place.

Question. They had arrested him?

Answer. Yes, sir; they followed him to the Georgia line, and I think he resisted and they shot him.

Question. The party in pursuit of him shot him?

Answer. Yes, sir; they had a warrant, and they brought him down to within about five miles of this place, when night overtook them.

Question. Did you have any testimony about any conversation on the part of the men who took these men out and hung them?

Answer. Nothing was said; they just moved right up; everything was done by signs. There is evidence there tending to show that they were not provided with rope, because they made one of the merchants give them a rope, and they cut it up and put a piece around each one's neck, and led him off. I think probably the piece of rope gave out for the fifth man, and that was the reason they shot him.

Question. They did not have rope enough to hang them all?

Answer. I think not, or they got him to a limb and the rope was too short; it was all quickly done.

Question. How far did they take them?

Answer. About a half or three-quarters of a mile.

Question. They took them outside of the town?

Answer. Yes, sir.

Question. Was any witness produced on the trial who was present at the time they were hung?

Answer. No, sir.

Question. The last that any witness saw of them was when they were marched off?

Answer. Yes, sir. One fellow followed them up pretty close and kept getting near to them, but the rear-guard soon drove him back. I do not suppose any person was within three hundred yards of the place where they were hung. The evidence shows

that one man followed them for a while, and the rear-guard told him that if he did not return they would shoot him.

Question. After these men were taken out and hung, the thing rested quiet from that time until Judge Peters came there a month afterward?

Answer. No, sir; the citizens of Cross Plains the next day held a meeting denouncing it, and selected an old citizen there as a special messenger to go to Montgomery and inform Governor Smith of it; they copied their resolutions and sent them down to him, and Governor Smith was notified of the true state of affairs within three days afterward.

Question. How much of a town is this Cross Plains?

Answer. I suppose two hundred and fifty inhabitants would cover all.

Question. How large a place is Paytona?

Answer. That is governed entirely by the number of employés there.

Question. It is a mere railroad station?

Answer. Yes, sir.

Question. They have shops there?

Answer. They do not have regular shops there; they intend to have some.

Question. There are no people there except those employed on the railroad?

Answer. Yes, sir; at that time they were engaged in making brick, and the superintendent testified that there were about fifty men there.

Question. During the investigation before Judge Peters, this witness Force appeared there?

Answer. Yes, sir; two or three weeks after the investigation commenced, perhaps.

Question. He came there for the purpose of having this man West ——

Answer. Having West removed.

Question. West had been arrested and was committed to jail in another county?

Answer. Yes, sir.

Question. And Force thought he was not secure there in the jail, and he came down in order to have him transferred to the jail in your county?

Answer. Yes, sir; alleging that there was danger that the Ku-Klux would take him out of the jail in Cherokee County.

Question. Is Cherokee County an adjoining county to your county?

Answer. Yes, sir; it is about thirty miles between the court-houses of Cherokee and Calhoun Counties.

Question. Does Force live in Cherokee County?

Answer. He lives in the northern portion of the county, or in Dade County, Georgia, adjoining Cherokee County; I am inclined to think that he does live in that county.

Question. This offense upon his daughter had been committed in Alabama?

Answer. Yes, sir; she was going from his house over to some neighbor's house. I am inclined to think that Force lives on the Alabama side of the line.

Question. Was West a resident of that county?

Answer. I think so; it is out there in the wilds of Walker and Dade and Cherokee Counties.

Question. While Force was there at Paytona he was put on the stand as a witness and testified about the transaction you were investigating?

Answer. Yes, sir.

Question. And he swore that Johnson told him that he was there and helped do it?

Answer. Yes, sir.

Question. That was all the evidence against Johnson?

Answer. That was all; he swore that Johnson was there and shot one of them.

Question. He meant that he shot this man that you say was shot at the time the hanging took place?

Answer. Yes, sir.

Question. Force testified that Johnson told him so?

Answer. Yes, sir, and that Johnson also told him he was a Ku-Klux.

Question. This matter about the Ku-Klux with Johnson, and his participation in a Ku-Klux operation, was while he was in negotiation with Johnson to help him to have West arrested?

Answer. Yes, sir.

Question. Was it true that West had run over into Georgia?

Answer. Yes, sir; I understood West had been arrested and made his escape. I suppose West was guilty of some improprieties; he has not been tried yet; he had his trial removed to Cleburne County.

Question. Still another county?

Answer. Yes, sir; I have understood he has removed his trial, which is pretty good evidence that he was afraid to stand his trial in Cherokee.

Question. He had been arrested and escaped over into Georgia?

Answer. So I understand; I think that it was in Georgia that they were trying to catch him.

Question. He had been once arrested in Alabama?

Answer. Yes, sir.

Question. And had escaped and got into Georgia?

Answer. Yes, sir.

Question. And this man Force was over there making an effort to rearrest him?

Answer. Yes, sir; it is all in the same neighborhood.

Question. Where did Johnson live?

Answer. Right there in Georgia; one lived on one side of the line and one on the other.

Question. Johnson lived in the same neighborhood with Force, one on one side of the line, and one on the other?

Answer. Yes, sir; probably five or six miles apart.

Question. And Force claimed that while he was over there in Georgia, having this negotiation with Johnson, to aid him in arresting West, Johnson told him about being over in Alabama, shooting one of these colored men?

Answer. Yes, sir.

Question. Was Johnson mentioned in the report that the judge made about it; did he say anything about Johnson?

Answer. No, sir, because he was not on trial.

Question. He was not arrested; was not before him?

Answer. No, sir.

Question. He could not have been very well brought before him if he was in another State?

Answer. O, yes, by a requisition from the governor of Alabama on the governor of Georgia. The troops were there within twenty-five miles, and could have gone there and got him. One governor is bound, when a requisition is made upon him by another governor, to give up the man. And here were the forces of the United States there ready to carry it out.

Question. It is not very common for a governor to issue a requisition until there has been a full investigation?

Answer. It must be shown that the man had escaped from one State into the other.

Question. This shooting of Johnson by Force was not until after the hanging of these five men?

Answer. The killing of the five men was before Johnson and Force had met to hunt up West; that is my recollection.

Question. So that this shooting of Johnson by Force was not until some days after the hanging?

Answer. I suppose it was a month after.

Question. How long was it after Force had shot Johnson before he was a witness in the investigation before Judge Peters?

Answer. My impression is that Force left Georgia immediately after he shot Johnson, and came down there to where the troops were; and then I think he remained there some time before they got him on the stand; he remained there and probably was around the place some three or four weeks.

Question. How long do you think it was after he came there before he testified?

Answer. I would say two weeks.

Question. He knew when he testified that Johnson was not dead?

Answer. Yes, sir; he knew Johnson was not dead; but the rumor was that Johnson was in a dangerous condition.

Question. Force knew that Johnson was still alive?

Answer. Yes, sir; we kept hearing about Johnson, and I suppose he could get the same information we did; it was only twenty-five or thirty miles off. I have no doubt he knew Johnson was not dead. In fact, I suppose he was better advised about his condition than I was.

Question. In his testimony there he told this story about the Ku-Klux?

Answer. Yes, sir.

Question. Did he profess to know anything about the Ku-Klux order in Alabama except what he learned from Johnson?

Answer. That is all.

Question. What he told was information that he got from Johnson?

Answer. Yes, sir; and I think he wanted it understood that he had never taken the oath. All the information he had he got from Johnson, and his initiation consisted simply in traveling through the country that night, drinking whisky, making negroes dance a little, and whipping some of them.

Question. And according to his account of it he did not like the business?

Answer. No, sir; he said he had no use for it; it was different from what he supposed it was.

Question. He did not see that it was a very profitable business?

Answer. No, sir; it was not a very profitable business.

Question. How long is it since you first heard of these disguised bands about your county?

Answer. I think it is an offshoot from Tennessee: that it got into North Alabama, and finally found its way down into our section of the country, I reckon, in 1868; the latter part of 1868. There was one witness who testified on that subject there; my recollection is that he said it was in the spring of 1868 that he first saw some disguised bands there.

Question. In your county?

Answer. No, sir; in some of the northern counties.

Question. Who was that witness?

Answer. I think that was a witness by the name of Wilson.

Question. Is he a resident of your county?

Answer. Yes, sir; on the line between Cherokee and Calhoun Counties. I think he said he first heard of it in North Alabama.

By Mr. POOL:

Question. How far do you live from Paytona?

Answer. Thirteen miles. I do not remember hearing of it—let me see—I heard of disguised men in our county in 1868; I do not remember whether they were there or not in 1867.

By the CHAIRMAN, (Mr. POLAND:)

Question. Do you think it was in the last of 1868?

Answer. That was the last of 1868; I remember one instance—no, I expect that that was about the first of 1869 probably. They got after a man by the name of Crook; that was about the first I knew of their being about there; but they did him no harm, just frightened him.

Question. Did they go in the night and visit him?

Answer. Yes, sir.

Question. They did not do any actual violence to him?

Answer. No, sir; they frightened him by putting a rope around his neck.

Question. What had he been doing?

Answer. I do not know; they had no excuse that I am aware of. He had been elected clerk of our county—that is, he was elected when the people did not vote; his name was run and he got what votes there were.

Question. He got all the votes?

Answer. He was the only man who was voted for. He was removing then to our town.

Question. To enter upon the duties of his office?

Answer. Yes, sir; and they passed along by the house where he was staying; I never knew what they did, except that I understood they carried him out and put a rope around his neck. He had some five or six men arrested for it; I defended those men, and they were bound over to court without any examination.

Question. Why did they have this pleasant little entertainment with this gentleman?

Answer. I do not know; I have no idea. I could give you my belief about it.

Question. What is that?

Answer. That he had become obnoxious to them from the fact that he was a large slaveholder, and had joined the party for the purpose of getting back some property that they supposed he had sold.

By Mr. POOL:

Question. Joined what party?

Answer. Joined the Union League for the purpose, as they supposed, of getting back some property; they had got that idea into their heads; I do not know about it myself. I suppose he was obnoxious to them on that account; I cannot think of any other reason.

By the CHAIRMAN, (Mr. POLAND:)

Question. They did not think he had any right to do that?

Answer. They did not think he should join that party for the purpose of getting back his land. The idea had got out in the country that by joining the Union League, your land would not be taken away from you; that you thereby became loyal; that a man who joined that party would not have his land confiscated.

Question. His land had not been confiscated?

Answer. No, sir; he had sold one or two large tracts of land for confederate money, and they believed that he had joined it for the purpose of becoming loyal and thereby getting his land back. That is my theory; I do not know of any other thing they had against him; I do not know of anything he had done.

Question. Was he a respectable man?

Answer. He had stood very well in the community; belonged to a very good family, about as good a family as we had down there; he is our clerk now, and nobody has interrupted him since.

Question. And these gentlemen took that pleasant way to give him to understand that they did not approve of his course?

Answer. I do not know; he never told me.

Question. That is your judgment?

Answer. They wished simply to let him know, I suppose, that there were such persons about, and he must trim his sails accordingly, and do nothing that would interfere with them. I cannot imagine what they had against the man.

Question. Among their early efforts in the community, what other things did they do?

Answer. I do not remember of their doing anything, except that I remember a white woman called on me one day, and informed me that some disguised men had come to her house and given her notice to leave; had told her that if she did not leave by a certain time they would make her leave. She was a woman of bad repute in that section of the country, and had two or three girls around her.

Question. She was an unchaste woman, you mean?

Answer. Yes, sir. I told her that I did not suppose they would interfere with her, but if she could get a house somewhere else she had better get it and go out of that one. She represented that there were some seven or eight who had come there and given her that notice. I heard of their going to another place, where there was an old gentleman, and attempting to make him dance, or they wanted to make him dance; he was a democrat; they did not do anything to him.

Question. What gave them such a desire to see him dance?

Answer. I have no idea; he is a large, tall man, but he did not dance and they let him alone. Then I heard of their being at a negro cabin there, and chasing a negro; I do not think they got him; and then I have heard of their being in different other parts of the county.

Question. Did you ever hear of their whipping anybody?

Answer. No, sir. I heard of their going down to another place, and as they rushed into the house the negro got hold of an ax and rather got the better of the fight, and they disappeared. In our section of the country they have appeared at two or three places some twenty or thirty miles from each other, but I think it was nothing more than patrols there; they did not do much; they would go along through the country there, and now and then go to the cabins and inquire for the negroes. They would stop at a cabin and say, "We have nothing against you, but where is so and so?" They would be told that he had gone. They would then say, "Tell him if he does not work better we will be after him." I did hear of their whipping one in the lower part of the county; that was because he was cohabiting with a white woman there; I think they gave him notice to leave.

Question. Was he married to her?

Answer. No, sir; living adulterously, not cohabiting publicly.

Question. They suspected that they were so living?

Answer. Yes, sir; they suspected that; and that he was stealing from them and feeding her.

Question. They seem to have a nice sense of morality, these gentlemen who wear this peculiar dress?

Answer. They seemed to be opposed to thieving; if any person was guilty of thieving, they seemed to be opposed to it. They seemed to have a disposition against bad women and bawdy houses; they also seemed to be opposed to negroes who would visit these houses where white women were. They would be able, from the number of them, I suppose, to find out whether they went there or not, and they would generally get after the negro and order the white woman to leave. Then, if they found where there was a man who had been whipping his wife and treating her badly, they would visit him, and give him warning to cease doing so. Where a man failed to provide for his family, and was drinking a good deal, I have heard of their visiting such men; probably some of them would be on the democratic side and vote the democratic ticket.

Question. You have mentioned this tall man whom they undertook to make dance; you say he is a democrat. Do you know any other case where they undertook to administer this wholesome justice to a man who is a democrat?

Answer. That man they wanted to make dance, they were not going to do anything to him; it was merely sport.

Question. That was a little waggery on their part?

Answer. They merely wanted simply to exhibit themselves to him.

Question. What is your idea of the necessity of this organization?

Answer. I do not think there is any necessity at all.

Question. There is no necessity for it?

Answer. Not now.

Question. How about it then?

Answer. I never thought there was any necessity for it; I was always opposed to the thing; I thought it was wrong.

Question. You have laws in your State against adultery and against stealing?

Answer. Yes, sir.

Question. Have you any difficulty in enforcing these laws?

Answer. None in the world, in the way of enforcing law.

Question. You have no difficulty in enforcing the law against the class of persons these men administer justice upon?

Answer. No, sir. I think that possibly these organizations might have originated with some men with a view of protecting themselves and their persons and property. There are a great many people who believed, at one time, that probably there would be negro militia in the country, and I think a great many of them probably joined themselves to this order to protect themselves against a thing of that sort; I would not be surprised if that did not have something to do with it.

Question. You never had any State militia?

Answer. No, sir.

Question. They thought it would be well enough to get ready in advance?

Answer. It was rumored around there that that was one reason; but I do not think any of the old citizens went into it for any other purpose than as a patrol to keep down this little thieving and robbing throughout the country, where you cannot exactly reach the parties with the law.

Question. Have you any idea about the class of persons that composed this organization?

Answer. I have understood that in 1868 and 1869 it was composed of the better class, but that they disbanded. I have understood that since that time it is nothing but boys within the last twelve months.

Question. They use the old manner of disguise?

Answer. Yes, sir; the boys get around now and frighten negroes and scare persons. That is a kind of rumor that is floating through the country; how we got it I do not know. There was an attempt, so we heard, to organize pretty extensively two or three years ago.

Question. When it first started?

Answer. Yes, sir, when it first started; but I do not know that even at that time the organization extended generally throughout the State. I do not think they ever had headquarters at any one particular point in the State.

Question. The organizations were local?

Answer. Yes, sir, and made no reports to any other organization. I think it was confined entirely to precincts and beats.

Question. You think its object really was to be a kind of voluntary police to repress thieving, &c.?

Answer. I do. I will state to you another reason why I think it originated. Immediately after the surrender, and when the Bureau was established through our country, it was right difficult for some men to realize the fact that their slaves did not belong to them. A colored man would work for them, but when the negro would say something they did not like, probably the white man would slap him as usual. The negro would report that to the officer of the Bureau, and he would immediately have the man seized, carry him up there, and the matter would undergo an investigation; probably they would send for him some fifteen or twenty miles. Now the class of negroes that did that were generally very bad, lazy, indolent ones. I am inclined to think that a good many persons thought they would band together and be a kind of patrol for that class. I think that was about the original cause of the patrol, where the Bureau-men would invariably, or nearly invariably, believe the colored man, when you probably never could tell the real truth, or how the thing originated. I know that in my county the Bureau-men, or military men, would have some of the best citizens taken up on some tale of a negro; they would send for them probably some fifteen or twenty miles. The negro would perhaps say that he had not settled with him for his work; that would have to undergo a regular settlement. Sometimes this officer would make a man pay something, and again they would discharge him. I think that this thing was started pretty much to frighten that class of negroes.

Question. Did this thing originate in your region while the Bureau was in operation?

Answer. No, sir. We have had the military all along down there for a good while in our immediate section of the country. We did not have so much Bureau; we really had military officers there with a company of troops. To show you how the military did in 1867—that was before this present constitution——

Question. You did not have this organization there then?

Answer. No; but I will show you why I suppose they would band together.

Question. As I understand, you did not have this organization at all until after that?

Answer. I do not know when it commenced; I only told you that I never heard of it until 1868. We had heard of the Tennessee Ku-Klux for a long time.

Question. Do you suppose it existed in your region of country to any considerable extent before you heard of it?

Answer. I suppose I would have soon heard of their appearing in disguise, I reckon.

Question. Did you hear of these bands of disguised men at all after the Bureau system had been given up?

Answer. I do not remember when I first did hear of disguised bands down there, but

I would say it was after the spring of 1868, which would throw it probably into the fall, and it might have been in 1869.

Question. Has that thing assumed a party form in any way in your country; I do not mean that these organizations were formed for party purposes, but has there been a difference between the two parties as to the manner of looking at this thing called the Ku-Klux; has one side spoken about it differently from the other?

Answer. In my county and in that section of the State there are very few white republicans.

Question. There are some?

Answer. Yes, sir; there are some, and they look upon this organization as rather against them than the other side, while the leading democrats do not regard it as a part of any organization to which they belong, or in which they take sides; at the same time—well, in other words, a democrat does not think they are going to interfere with him unless he does something very bad. But some of the republicans there would be afraid that they would do something to them. I am satisfied they would do nothing either to a democrat or a republican, no matter where he comes from, if he goes there and attends to his business.

Question. The truth is that the republicans have been a good deal more afraid of this thing than the democrats have?

Answer. Yes, sir; and made a great deal of fuss about it.

Question. They have made a great deal of fuss about it and talked against it?

Answer. Yes, sir.

Question. How about the democrats?

Answer. They have talked about it for the last one or two years—said they did not like it; but before that time they did not talk about it; they would laugh at it.

Question. They tried to belittle it, or did they speak as if they were in favor of it?

Answer. I do not know that I heard any one announce that he was in favor of it.

Question. They pretended to think it was not a thing to be dreaded so much as the republicans claimed?

Answer. Well, the democrats thought then, and they believe it now, that this organization was gotten up simply for the purpose of keeping negroes from stealing and keeping bad men——

Question. The republicans have always been making a great clamor and noise and talk about this Ku-Klux, have they not?

Answer. Yes, sir; that is true.

Question. And the democrats have not?

Answer. Not until recently; they have not said much about it. Within the last twelve months, I think, they speak out pretty generally. The editors of the papers come out and oppose it.

Question. Do you think that the republicans believed really that it was nothing more than a kind of voluntary police, made up of good people to put down thieving and immorality of one sort and another?

Answer. No, sir; they were satisfied that that was done, but at the same time a great many of the republicans believed—well, they were afraid if they did anything themselves; if a republican in that section of the country did anything to excite the negroes there in any way, that they would get after them; they were a little shy of them.

Question. The republicans down there have always claimed that it had a political look and a political effect?

Answer. Well, I suppose they have; I would judge so from the fact that when anything occurs there they generally would send it to the North for the purpose of exciting the people.

Question. What made them think so?

Answer. Because, I suppose, they were visited by them now and then.

Question. Do you mean that they were visited for anything they had done that was wrong?

Answer. Yes, sir.

Question. Have you not some republicans down there that are decent people?

Answer. A few, very few.

Question. Have they not talked against the Ku-Klux?

Answer. No, sir; the decent portion have never said much any way about it.

Question. Have they had any fear of it?

Answer. No, sir; they are opposed to it.

Question. There are some republicans down there as much opposed to stealing, adultery, and those things as anybody?

Answer. Yes, sir; there are very few white republicans among us.

Question. You have some white republicans who do not believe in stealing or in adultery?

Answer. Yes, sir.

Question. Have they been in favor of this institution?

Answer. No, sir; I think they have been opposed to it.

Question. Why?

Answer. I do not know, more than I am opposed to it, from the fact that we do not need the organization.

Question. You do not think there is any good in it?

Answer. No, sir; but I think this, that a great many people who did not look to where it would run honestly believed that it was a pretty good thing. When you start any organization of this sort in disguise you do not know where it will run, because it gives bad men a chance to do a great many things.

Question. What is the general feeling of the colored people—I mean the respectable colored people, not the vicious; you have a great many who are honest people?

Answer. Yes, sir; and they work freely.

Question. What do they think of these Ku-Klux organizations?

Answer. Those who work well and attend closely to their business are not afraid of them, because they have never been molested.

Question. Are they in favor of it?

Answer. No, sir; I do not suppose they are. But here is the trouble: they are beginning to do it themselves; they are appearing in disguise and whipping each other.

Question. Do you know any band of that sort?

Answer. No, sir; but it would not be a large thing, four or five of them.

Question. It was not a large organization?

Answer. No, sir; only a little band of them.

Question. If they want to do a piece of mischief, they find this a good and safe way of doing it?

Answer. Yes, sir. We defended some of them last winter, and kept them out of the penitentiary, upon the plea that it was not shown that it was a part of any organization or band, and the statute requires that that should be shown.

Question. What is the proportion of white and colored people in your county?

Answer. I should say the proportion is about three to four.

Question. You have not any fear of being overpowered by the colored people?

Answer. O, Lord! no; we belong to the white belt.

Question. You have felt no special fear in regard to them?

Answer. No, sir; not in the least.

By Mr. POOL:

Question. I understood you to say that the laws were very rigidly enforced in your section of the country?

Answer. They are now.

Question. Has that been the case for the last two years?

Answer. Yes, sir; wherever the criminal could be found, the law was rigidly enforced. Ever since 1868, since we were organized under the new constitution, we have had a very good judge, and he has discharged his duty. Some of our ministerial officers are not particularly good, but the judge has discharged his duty, and the law has been well enforced all through that section of the country.

Question. Have you ever known one of the Ku-Klux outragers to be punished?

Answer. No, sir; because I have never known a case where they have proved it on them; they have never been able out there to make the proof that would be satisfactory to convince them that the party accused was guilty. I have been there and heard the cases investigated.

Question. How many cases have been investigated?

Answer. The Paytona affair and the Crook case were investigated in our county. I heard one in Talladega County. The parties proved an alibi, which showed a question of doubt. The jury was charged to give the benefit of the doubt to the defendants, and they were compelled to acquit them.

Question. They proved alibis?

Answer. Yes, sir.

Question. Is it not a part of the Ku-Klux organization that they shall swear for one another?

Answer. I do not know; I do not pretend to know anything upon that subject.

Question. Have you never heard that charged?

Answer. I never did, except that I believe Force said that was a part of the obligation, to swear for each other.

Question. Have you ever known a Ku-Klux outrage upon a democrat?

Answer. Only one.

Question. What was that?

Answer. I do not know that there was an outrage then. It was reported that they whipped a democrat there, and then it was reported that they only gave him notice that he must do better; whether they whipped him, or not, I do not know.

Question. What was his name?

Answer. His name was Kimball.

Question. What was the matter with him?

Answer. Well, the Ku-Klux supposed he was drinking too much, and not supplying his family as he ought to; and they gave notice to his neighbors there not to let him pass by to go to town to get whisky. That is reported around there; I do not know whether it is true or not.

Question. Do you suppose they really did him any damage at all?

Answer. Well, I do not know; I have hardly any opinion upon the subject; I did not give the matter much investigation; it was said there about town that they had visited him.

Question. Was it spoken of as being a little remarkable?

Answer. No, sir; nothing uncommon. I have never heard of their doing any damage to a prominent man of the republican party.

Question. Have you ever heard of their committing any outrage upon any democrat, except in that particular case, about which you say you are in doubt?

Answer. I cannot remember.

Question. Have you an idea that any republican belongs to this organization?

Answer. I do not know that they do.

Question. You are satisfied that it is composed entirely of democrats?

Answer. I think they would vote the democratic ticket; I do not think any prominent democrat in the State belongs to it; they are merely young men and young farmers there, who live in the thickly settled neighborhoods.

Question. How can you say that you suppose it is composed of young men, when you say you do not know any members of it?

Answer. I do not think an old man would get on his horse, and ride from his house ten miles and back, for the purpose of telling a negro to leave the community, who had been doing some outrage on a white man.

Question. But a middle-aged man might do it?

Answer. Yes; I suppose a man from thirty-five down would do it.

Question. You have not identified any of these people?

Answer. I never have.

Question. How can you say the organization is composed of young men?

Answer. I can tell that from their actions; their acts and conduct are those of boys.

Question. You would not consider it a boyish freak to hang five negroes in one night?

Answer. No; but I am inclined to think that it was done more by them than by any one else. I do not think men of age would do it; I think it is more of a boyish matter than anything else. Grown men and old men will look at the consequences; boys rarely ever do.

Question. The boys carry it on without the knowledge of their parents and of older men?

Answer. Yes, sir.

Question. And conceal their disguises?

Answer. Yes, sir; not proclaiming them at all.

Question. You say the organization is composed entirely of democrats?

Answer. I say it is composed of men who will vote the democratic ticket, because the whites there are not divided as much in politics as they were in olden times, when there were whigs and democrats.

Question. And the outrages have been universally against republicans except in the single instance you mention?

Answer. That is the only one I know of, and I do not know that anything was done to him. It was reported that there was; some say there was, and some say there was not. I say against negroes and republicans; the negro does not understand politics, but he is controlled by the republican party at this time.

Question. Some of the negroes vote the democratic ticket?

Answer. Yes, sir; I suppose some fifty to seventy-five in our county do.

Question. Did you ever know a negro who voted the democratic ticket to be visited by the Ku-Klux?

Answer. No, sir; I have never heard of it, though it is a recent thing that they have voted with us.

Question. Can you tell why thieving and adultery and drinking, &c., are punished when republicans do them, and are not when democrats do them?

Answer. They would punish them, when democrats are guilty of them, as quickly as when the others are.

Question. Have not some democrats in your country been guilty of larceny, adultery, and of not providing properly for their families?

Answer. Yes, sir.

Question. Have any of those who have been thus guilty been visited by the Ku-Klux?

Answer. I am inclined to think so.

Question. To what extent?

Answer. Since you have called my attention to it, I cannot tell whether they were

democrats or republicans. I do not know of any republicans being visited by them and whipped. I cannot say that they were republicans visited any more than that I could say that they were democrats. I would say that it was that character of cases that they visited. You would hear of a party of Ku-Klux appearing, and you would then hear that they had gone to bawdy houses, or to some man's house and given him some warning; I could not tell what his politics were; but I am satisfied they would punish a democrat as well as a republican.

Question. Have you not heard it charged in your county, by the republicans, that only republicans were visited by the Ku-Klux?

Answer. Yes, sir; I think I have heard that charged.

Question. Has it not generally been spoken of by republicans in that way?

Answer. Yes, sir.

Question. Have you ever heard that denied by the democrats?

Answer. Yes, sir.

Question. Have those who denied it given any instance to prove that their denial was correct?

Answer. I suppose they could. I cannot call any to mind now at this time. I have not got any memorandum of these cases; but there is the impression in the country that they do not discriminate as to the color or person, or political status at all.

Question. You said there was some other witness in the Paytona trial who said something about the Ku-Klux; what witness was that besides Mr. Force?

Answer. I said that a man by the name of Wilson commenced telling when he first heard of the organization; I believe his name was D. B. Wilson. I think he said he first heard of it up in North Alabama. He did not tell anything about how it was organized, or what were their intentions. Governor Parsons regarded him as one of the Ku-Klux, and was examining him as one. I only meant to say that Wilson told of the time he had heard of them in North Alabama.

Question. You say this firing into the crowd from the church was at the Cross Roads?

Answer. It was about a hundred yards from there to the Cross Roads.

Question. Had not Craig and his crowd got to the Cross Roads before the firing commenced?

Answer. Craig and his crowd had left the church, had passed the Cross Roads, had got two pistols and a gun, or probably three pistols, and had returned toward the Cross Roads, getting I suppose within fifty yards of the Cross Roads, and probably fifty yards from the house, supposing the house to be about one hundred yards from the Cross Roads, when the church people were passing along the street. The colored men then came from the opposite direction from the church, or rather from the east of the church; Craig and his party had come from the west.

Question. Did the negroes see Craig and his party?

Answer. No, sir, not until they had got out from behind the blacksmith's shop; then they could see them, for it was a bright moonshiny night.

Question. You say that about twenty people coming from the church were between the negroes and Craig and his party?

Answer. Yes, sir; scattered along promiscuously, probably for twenty or thirty yards.

Question. It was not a dense crowd of persons?

Answer. No, sir.

Question. Do you believe that the negroes intended to fire into the crowd of church people?

Answer. I do not believe they intended to shoot them, but that they fired at Craig and his men; the people, however, thought they intended to fire at them.

Question. Why?

Answer. Because it was immediately reported there that a bullet had passed through some lady's clothing, and another said that a piece of wadding had fallen by her. You know how these things commence; they spread immediately, and it gets worse and worse the further it goes.

Question. Craig and his party had also fired?

Answer. They rushed through the crowd of people and fired; not until then.

Question. You do not mean to say that the negroes fired into the crowd of church people?

Answer. I mean to say that they fired over the crowd, or there might have been a vacant place for them to fire through. But I mean to say that the people of that section of the country believed the next day that the negroes intended to fire upon those coming from the church; and if they had not believed it there would have been no hanging.

Question. How could they account for the fact that nobody was hurt, if the negroes had fired into the crowd?

Answer. I do not know.

Question. They believed the negroes had fired into the crowd?

Answer. Yes, sir. It is estimated that in battle it takes about seven hundred shots to kill one man.

Question. Do you think that the people of Paytona believed that the negroes fired into that crowd and hurt nobody?

Answer. I do not think the people do now, after this thorough investigation; but the next day they were sincere in the belief that the negroes had fired into the crowd of people there.

Question. In all that Paytona affair, how many negroes were hurt besides the five who were hung?

Answer. One other, Jacob Moore.

Question. Was any white man hurt?

Answer. No, sir.

Question. No white man was hurt?

Answer. No, sir; one of those who was hung had been shot the night before.

Question. You say you think that the crowd of Ku-Klux, who went down and hung these men, believed that they were acting in self-defense?

Answer. No, sir, I did not say so. I say they thought it was their duty, for their future protection, that those men should be hung; they believed it was for their future protection, from the fact that if it was not checked at that time another occurrence of the kind might take place, and they did not know but it would come on them. They believed honestly that it was an unprovoked, murderous assault on the people, and that it should be met in a summary manner.

Question. They thought it was a murderous assault, when no one was hurt?

Answer. Yes; and a man is just as guilty if he fires into a crowd promiscuously that way, and should be punished as severely, even if he did not hit any one, as if he had shot one through the head; and, of course, by the laws of the country he would be hung. But if we had investigated the case afterward, there would be great difficulty in determining what to arrest them for.

Question. Before those negroes were hung you had an investigation?

Answer. Yes, sir.

Question. Did not that investigation disclose the truth?

Answer. It was not done in a very scientific way; there was no one there to represent the negroes and show how it really was. That investigation still tended to show that they had fired into the crowd without any cause or provocation whatever, and apparently with the intention of committing murder. And now I will say, further, that a great many persons in that section of country still believe that it was a murderous attack upon the people who were returning from the church. But I give it as my opinion, rather as an apology for the negroes and their conduct that night, that they only intended to shoot at Craig and his party.

By Mr. BLAIR:

Question. Would it not have been equally murderous to shoot at them?

Answer. Of course it would; but they would have had the excuse that they were irritated by the conduct of Craig the evening before. If they had shot Craig down standing in the street, of course they should have been hung for it just as much as for shooting anybody else.

By Mr. POOL:

Question. You said that the judge did not rely upon what Force had testified to?

Answer. I said that I did not believe he did.

Question. Was not that want of reliance principally because it was only testimony in regard to the declarations of Johnson, and he supposed those declarations were themselves braggadocia? You say that Johnson had been down there and got somebody's hat?

Answer. I say I understood Johnson came down there two or three days after the hanging, and was knocking around there, and probably had got hold of the hat of one of the men who had been hung.

Question. And that he talked big about it?

Answer. Not there; he might have talked to Force.

Question. Have you any doubt that he made these braggadocio declarations to Force?

Answer. I am inclined to think, from what I can hear of Johnson, who is rather a fast youth, that he undoubtedly boasted to Force that he was a Ku-Klux; very likely he did.

Question. You think it very likely that Force told the truth about that?

Answer. I do not think he told the truth as to what they did up there that night; I think he had some grounds to base his statement upon, but I believe he enlarged very considerably upon them, for the purpose of making Mr. Parsons and those military men believe he actually knew something about it.

Question. Knew something about what?

Answer. Something about the Ku-Klux organization.

Question. I am not speaking of that. Do you not believe that Johnson made that bragging to him?

Answer. No, sir; I do not believe Johnson would be fool enough to tell that to Force, or to any one. He is represented as a man of some sense. What I mean is, that he had made some declarations to Force about his belonging to the Ku-Klux, and what he could do as a Ku-Klux; I think that very likely.

Question. You think Governor Parsons's main object was to excite the northern mind by getting out such things upon the Ku-Klux?

Answer. No, sir; I do not know that that was his main object. I think Governor Parsons is opposed to such organizations in the country; I think that he desires to see the laws of the country enforced, and to see peace and order prevail; I believe that. But at the same time, while he was trying to ascertain who these offenders were, he was making preparations to have other things mixed up with it for northern consumption.

Question. That is your judgment about it?

Answer. That is my honest conviction, from all I could see.

Question. Were any of the men who committed the crime for which the parties were being tried in the Ku-Klux disguise when it was being committed?

Answer. The evidence tended to show that, and there is no doubt of it.

Question. You said there was some uniformity in their disguise?

Answer. Yes, sir; from the evidence, it seemed that the disguises were a little different, as though they belonged to different bands.

Question. Was not the crime committed by a band of disguised men?

Answer. From the testimony, they seemed to understand each other.

Question. They had signs by which to understand each other?

Answer. There seemed to be whistles used that night.

Question. Was it not natural that an attorney should inquire into such an organization as that, in making that investigation?

Answer. Yes, sir.

Question. Then why did you think his purpose was to excite the northern mind?

Answer. From the fact that he extended it almost too long, and he had a great many things brought in that were outside of that particular case, and wanted to show that there was an organization that had existed down there for some time, a thing which had nothing to do with this investigation.

Question. You have been a lawyer for a great while?

Answer. Yes, sir.

Question. Is it not common when a defendant is on trial to show that he has a good character?

Answer. Yes, sir.

Question. And is it not common to try and show that before that he had been guilty of crimes?

Answer. Yes, sir.

Question. Was Governor Parsons showing what was done before that time?

Answer. Yes, sir; but they were not trying the organization, only men who were accused of the murder of Mr. Luke. They should have confined themselves to ascertaining whether those men did the murder, and he should then have made an inquiry whether they belonged to the Ku-Klux Klan.

Question. The first inquiry was into the existence of the Klan?

Answer. The evidence was clear that Luke and the others had been hung by men in disguise. Mr. Parsons should have shown that these parties belonged to the Ku-Klux.

Question. Not to that particular klan, but to some other klan?

Answer. Yes, sir.

Question. Was it not important to show that some other klan existed?

Answer. Yes, sir; but I do not think it was necessary for him to show that the Klan had whipped a certain negro at this place, and another at that place; had visited this house and that house; that is the part I think was gotten up for northern consumption.

Question. Was it not all true?

Answer. I do not know whether it is true or not. One of the witnesses who testified to a great deal of it, to show his character now, upon cross-examination admitted that he had written on to the North for counterfeit money; he admitted on the stand that he was guilty of that. That was the character of a witness proving these various outrages there.

Question. Did you not yourself know that these various outrages were committed outside of what the witness said?

Answer. I know it from rumor.

Question. Is it not generally understood in the community, and not denied?

Answer. Yes, sir.

Question. Why conceal them from northern men, or anybody else?

Answer. We never attempted to conceal it; but we want northern people to understand what these outrages are for. The northern people have got up the idea that no republican man can come from the North down here, or that if he does this Klan would mob him. We say that these disguised men are nothing but patrols in the country, for the purpose of whipping out bad men, whom northern men undoubtedly would Ku-Klux, for it seems they get up some little disturbances themselves sometimes. We think this investigation was carried on as it was for the purpose of trying to show that there was a grand political organization down there, gotten up for improper purposes to carry elections. That is what I mean when I say that this investigation was carried on for northern consumption.

Question. You have that evidence printed?

Answer. No, sir.

Question. Was it not printed?

Answer. It was copied and brought to Washington; I understood Mr. Parsons had it copied and brought to Washington.

Question. Did Governor Parsons inquire of the witnesses whether this organization was political?

Answer. I understood Force pretended to say it was political.

Question. Did Force say anything in regard to that organization that was not true? I mean did he make it out any worse than you understand it to be?

Answer. I do not understand it to be an organization to control votes.

Question. Did he tell of any greater outrages committed by them than they have really perpetrated, or did he tell of as many even?

Answer. I think he told only about the night he was out, and whipped some negroes. I think Force tried to make this impression, and his testimony was no doubt put down for that purpose, and that I say was intended for northern consumption; he said he learned from Johnson that this was an organization of a political character, intended to control the negro vote. I think that is a wrong impression to go North, because I do not believe the organization is intended to be of a political character at all, or to interfere with the negroes in their votes. But now the republicans down there charge the organization with having that for its object, and they have endeavored to get pieces written for the papers, which have been copied in our republican papers, and sent North for the purpose of producing the same impression among northern republicans, so that those kind of bills that have been passed, similar to the one last spring, and the enforcement act and all that, might be passed by Congress. We look upon that as done purely for our special benefit, intended really for the South, and for our oppression.

Question. Intended to operate where the evil existed?

Answer. Exactly; I suppose it does.

Question. It is only because the evil existed in the South that you supposed it was intended for the South?

Answer. Well, we have different notions down there about these things.

Question. As a matter of law, can a requisition issue from one governor to another, before a bill of indictment has been brought in by the grand jury? Must there not be some proceeding in a court of record?

Answer. I suppose it would be necessary; but in a case of this sort, I think the governor of Georgia would have authorized the military to go there and take the man.

Question. Would you have had the governor of Alabama issue a requisition in an informal way, not basing it upon what was absolutely required by the law?

Answer. No, sir; I would not. But, as I understand, the next week afterward there was a true bill found against Johnson, and yet no requisition has ever been made. Governor Smith gave his personal attention to this matter when he was up there; one of the associate justices of the supreme court remained there two months; of course they ought to have had the thing carried out if they believed in it. The bill has, no doubt, been found against the man; the county has discharged its duty as far as that is concerned; but no requisition was made that I ever heard of.

Question. When was the bill found?

Answer. The next week after.

Question. By the grand jury?

Answer. Yes, sir; so I have understood. I have never read the bill, and no requisition has been made.

Question. What was the reason Luke and those other men were not put in jail that night?

Answer. I do not know; I think the justice said he wanted to examine them further; wanted some other testimony. Luke and some of the citizens of Cross Plains, about 10 o'clock at night, understood that there was some danger of disguised men coming there and taking them away. They called upon the superintendent of the railroad there to have them sent down; but the superintendent did not think it was necessary; as far as the citizens were concerned they tried to get them sent down; that came out in the investigation there.

Question. You say there was some notice or apprehension of an intention on the part of the Ku-Klux to take these persons and hang them?

Answer. A rumor to that effect got out before 12 o'clock.

Question. Was any effort made on the part of the citizens to prevent it?

Answer. None that I know. There was the sheriff of the county there, a republican, his deputy, and a guard there. Why it was not done I do not know. It was like a great many things; probably they did not believe it; I do not know that I would have believed it if I had been there.

Question. Suppose these persons had been put in jail, could not the men have guarded that jail successfully against the Ku-Klux?

Answer. Yes, sir.

Question. They would have been safer in jail?

Answer. Yes, sir; I think so.

Question. You say you do not believe any one klan agreed upon the murder of these men?

Answer. No, sir; I do not think so; if there is any such thing as a klan there, I do not think that klan organized for this purpose; I think it was rather an agreement among some men there that it should be done.

Question. You do not think there was any regular meeting of the klan and voting upon it?

Answer. No, sir; I do not think so.

Question. Why not?

Answer. From the fact that there is testimony tending to show that some came from one direction four or five miles off, and some from another direction five or six miles off, and that there were citizens there from various parts of the county, north and northeast. Knowing the topography of the country there as I do, I think if there is a klan up there, there should be one about three miles in a northeast direction, and if there is any other klan it should be some distance still further up in another section. Now, it would seem that the men came from one direction that was different from where I would suppose one of these klans was, judging from the topography of the country, and the number of people in the different valleys there; and then some came from another direction.

Question. You suppose the party contained members of several klans?

Answer. If there is such a thing as different klans there, I would say the business there that night was done by persons of different klans. I think the evidence shows that there were different kinds of disguises.

Question. And they met at a given place?

Answer. They met at 12 o'clock.

Question. Does not that show a concert between the klans?

Answer. I do not know; it showed a concert between the men who committed the act, but I do not know that it would be a concert between the klans.

Question. Did not the whole evidence satisfy you that there were klans in that county?

Answer. The evidence satisfied me that there were bands of disguised men in some two or three parts of the country.

Question. And that there were some variations in their disguises?

Answer. The evidence tended to show that some appeared in yellow gowns and some in red gowns; I do not know whether that testimony would be reliable or not. I believe that some of the testimony tended to show that some of them had black disguises; I am not certain about that. I think that in three different parts of our county there were organizations of disguised men, according to the evidence.

Question. Organizations that existed there?

Answer. I do not know whether they exist there now or not. That affair itself got to be such a big affair that the people commenced talking about it.

Question. Why do you say that naturally a klan would have been about three miles from town?

Answer. Because there is a valley there, and it would be about the center where the cross-roads would meet; that is the only reason. There is a little place there called Ladiga, and then there is another place further up the valley, called Andersonville or Spring Garden. There would be probably a klan along in that section of the country; I suppose a klan ought to take in an area of ten miles, or five miles; that is about what we used to have in the old patrol time.

Question. You have no knowledge of their dividing that county up into sections?

Answer. No, sir; I do not know anything more about the organization; never belonged to it, never was invited to join any such thing; and for that reason I am sort of inclined to think it was not political.

Question. You think this particular outrage was not agreed upon by any camp?

Answer. I do not think it was; I think it was fixed up that day.

Question. So far as your information reaches, is it the practice of these klans to agree beforehand upon outrages to be committed?

Answer. I have understood—how I got it, and from whom, I do not know; but it is like we find out a great many things, and it does not make much impression upon your mind as to who told you—I have understood that they meet and decide that a certain man shall be whipped, and then they appoint some man, I have understood, who is called the Grand Hawk of the night, who is captain over eight or nine men, and they go out and whip the fellow.

Question. In pursuance of the order of the camp?

Answer. Yes, sir.

Question. Did you ever hear that they sent their orders from one camp to another to be executed?

Answer. I have heard such things, but I do not know about them. I think there is more talk about it than what there really is; I do not think there is an organization of that general character which it has been endeavored to show that there is; and even what there is in our section of the country is dying away gradually; the leading democratic papers are speaking out boldly against it, and have been for the last year. The leading citizens are crying out against it; they have got tired of it and want it stopped.

Question. Was it supposed that West was in any way connected with the Ku-Klux?

Answer. I do not suppose he is. If there is anything in the Ku-Klux organization, he has removed his case from a county where some disguised men have appeared, to a republican county where there are no disguised men. If he is a member of the Klan, I should have supposed he would have kept his case within his klanship; but he has removed it to a county that was strongly republican for a good while, until recently; it has changed over now

Question. Did not he make the removal after Mr. Force disclosed the fact that he had been out on a raid?

Answer. He moved for a change of venue at the last spring court. He had to swear off Calhoun county; that was the nearest county; or probably it might have been agreed between the solicitors that it should go there; but if the affidavit was regularly made he would have to swear off Calhoun County.

Question. Provided the State insisted?

Answer. Yes, sir.

Question. And under your laws, by agreement, he might jump a county?

Answer. Yes, sir.

Question. You did not appear for Mr. West?

Answer. No, sir, I did not.

Question. You say that he might possibly have been guilty of some impropriety?

Answer. I think very likely he was guilty of something; I do not think there was anything done; it was only an attempt. I judge so from the fact that he would not have changed his venue if there had not been some impropriety. That is generally pretty good evidence that a man is seeking for time when he changes his venue.

Question. You think this organization was formed under the apprehension that there was going to be negro militia?

Answer. I wish to be understood this way: from what I could gather two years ago, there was a pretty strong organization to be formed; probably three years ago, I believe it was three; but it never was carried out; I think they disbanded when General Grant was elected; that was what I have heard since this investigation has commenced, the investigation of this committee. I have heard citizens speaking of it a great deal. I have heard men in the streets of my town speak about it, and say that three or four years ago they were organized along through there, but they were disbanded about the time General Grant was elected. Men joined it for different purposes, having different objects and motives in view. One man would say that there was going to be negro militia, and he would go into it for self-protection. Another man would say that there was some danger in the Union League, and they wanted to offset that. Now all of these things have been discussed even since your investigation has commenced.

Question. Have there not been some recent outrages in that country?

Answer. I do not think there has been anything of a serious nature for some time. I heard since I was summoned that eight or nine Ku-Klux had passed through our town within the last three weeks, but what they had done I do not know. The Paÿtona affair has rather quieted things in our country.

Question. You think that another object, and perhaps the main object, was to go after those negroes who reported these men to the Freedmen's Bureau for slapping them when they had difficulties?

Answer. What I mean by that is, that class of negroes who will not work, who will not do their duty, who would go about and steal; and if they hired out to work would not discharge their duty, or fall out with their employers, and then go up and tell a great long tale before the Bureau or before our present justices of the peace, and have them arrested. They probably wanted an organization ready for that class of men.

Question. So as to keep them from giving information?

Answer. To keep them from telling lies and swearing lies, not from giving the right kind of information. I do not think that this Ku-Klux organization, or patrols, or whatever you may call it, intended to interfere with the right class of people, either white or black.

Question. You think the organization was directed principally against the negroes?

Answer. Because they were the class where there was more idleness and more thieving and more drones.

Question. It was principally directed against the negroes, and it was entirely composed of white men and members of the democratic party?

Answer. I think it was entirely composed of members of the democratic party, of white men; that it was intended principally for the negroes who failed to work, who were guilty of various little petty larcenies; and for any white man, whether republican or democrat, who became rather a nuisance to society.

Question. And they struck Mr. Crook?

Answer. They frightened Mr. Crook; they never hurt him.

Question. They put a rope around his neck?

Answer. Yes, sir.

Question. They took him out of his house?

Answer. No, sir; he had started to move, I think, in the fall of 1868.

Question. I understood you to use this language: "That they did it to let him know they were out?"

Answer. Well, I say this, that he became obnoxious to those men, from the fact that he had been a southern man and a secessionist, had voted the secession ticket, as they supposed, and I expect is true, for his brother was a member of the secession convention, and he himself was a large slaveholder. At the close of the war he joined the Union League, as they supposed, for improper purposes. And then he had suffered himself to be run by the negroes for clerk of the county, and they rather thought that he ought not to do that; that he ought to have left that for some other person.

Question. Did they not take him out of the house and put a rope around his neck?

Answer. Yes, but not out of his house; they took him out of the house where he was stopping.

Question. Did they swing him up?

Answer. O, no, not that I ever heard.

Question. Did they permit him to dress himself before they carried him out of the house?

Answer. I do not remember about that; I am rather inclined to think that they did not.

Question. Was he a man of character, connected with good families?

Answer. Yes, sir; he was connected with good families in the county.

Question. His only offense was that he was elected by the republicans of the county to the clerkship of the county, and the charges made against him as to joining the republican party?

Answer. And his affiliating rather too much with the negroes.

Question. To secure his election?

Answer. I do not know for what.

Question. You say it was for the purpose of letting him knew they were out, and that he must trim his sails accordingly; what do you mean by that?

Answer. I suppose it was that he should not do anything in his office outside of what he legally ought to.

Question. Did you understand that they meant that he must stop leading the republicans, and organizing them?

Answer. Of course I was only giving my opinion, for I do not know what their object was. I was saying I could not see why they did it, unless it was to prevent his mixing up too much with the Union League down there. We did not know so much about republicans then; it was rather the Union League. The Union League was rather regarded as an organization against the southern people, for the purpose of having lands confiscated and being in opposition to real southern men. They did not believe that a man whose property had consisted so largely in slaves who had been emancipated, should have thrown himself immediately into the arms of the people who had freed our negroes; that he ought not to have joined that party, and ought not to have run for office, because the people down there thought it was rather forced upon us.

Question. Was it not the fact that a southern man who had been a large slave-owner, and had high connections, and was himself a man of character, intelligence, and standing, would be a most efficient leader in the republican party?

Answer. He is not that character of man who would make a prominent leader.

Question. Was not his name and acts there of considerable service to the party?

Answer. No, sir, I do not think they were; he was a very good farmer, and attended closely to his business, and was one who made his slaves work close up; he got all the labor out of them that he could possibly get.

Question. He was a resolute, energetic man?

Answer. Yes, sir.

Question. A man of sense?

Answer. Yes, sir; good, practical farming sense.

Question. How many cases do you know of where negroes have disguised themselves in your county, and gone out and attacked some of their own color; more than one?

Answer. Yes, sir.

Question. How many times have they done that?

Answer. I am trying to recollect. I know of two cases where I have appeared for negroes on two different occasions, where it was said that they appeared in disguise; and at the last term of the court there were three ———

Question. Do you mean two separate cases?

Answer. Yes, sir. At the last term of the court there three were indicted under the statute against Ku-Klux, but we got them off. You see it is a penitentiary offense; we got them off on that. We got a new trial, and they found them guilty of assault and battery, and fined them five hundred dollars.

Question. There was no difficulty in identifying these negroes?

Answer. There was some, but still the proof was sufficient; the negroes swore right out that they were the ones.

Question. There was no great difficulty in identifying them?

Answer. There was difficulty.

Question. Did they identify them?

Answer. The negro that was whipped identified them.

Question. Were they in disguise?

Answer. Yes, sir.

Question. How is it that you can identify negroes when they commit these offenses in disguise, and you cannot identify white men that do so?

Answer. No white man identified them. A negro swears right plump out that it is so; he will swear almost anything to carry his point. They so swore in this case. I do not know whether the negroes were guilty or not. I am rather inclined to think they were, although I defended them.

Question. I am asking how the negroes could identify their own color who went in disguise and whipped them, and do not identify white men who did so?

Answer. I suppose the white men prepared a better disguise. The negroes did not do it up so artistically as the others.

Question. Have you ever known of disguised bands of negroes committing an outrage upon white men in your country?

Answer. I cannot call to mind any.

Question. Have you ever heard of any such?

Answer. I have heard where they were not in disguise giving our people a pretty good thrashing.

Question. You mean in an open fight?

Answer. Yes, sir; a fair open fight, and we never interrupted them for it.

Question. You said you had known of one instance where a negro who had voted the democratic ticket got into a fight about it, and was whipped?

Answer. That was in our town.

Question. Have you known of any other instance than that?

Answer. That is the only one. A blacksmith there is always coming to me and saying they were going to whip him for something of that sort.

Question. You say you think there were from fifty to seventy-five negroes in your county who voted the democratic ticket?

Answer. That is, at the last election; so I have understood.

Question. Have you ever known a negro to attack and abuse a white man for voting the democratic ticket?

Answer. No, sir.

Question. Did you ever know them to make any effort to keep white men from voting the democratic ticket?

Answer. No, sir; I never heard of any case of that sort in the State of Alabama.

Question. Do you believe that a negro in your county who votes the democratic ticket is safer from these attacks than one who votes the republican ticket?

Answer. No, he is not safer, where both work well and behave themselves. If he votes the democratic ticket and turns out to be thieving and committing depredations of that sort, I think they would come down upon him more severely probably, because they would think his motive for voting the democratic ticket was rather a bad one.

Question. But suppose they thought his motive in voting the democratic ticket was a good one?

Answer. Then, if he committed a theft, if he killed hogs, stole chickens, or stole corn, they would punish him; no doubt about that.

Question. Is there any difficulty in convicting negroes before the courts for doing these things?

Answer. We have got a great many of them clear upon technicalities. I am satisfied the negro has a fair trial.

Question. There is no indisposition to convict him?

Answer. No, sir. The people there have given them fair trials, and have acquitted a great many who ought to have been found guilty; but I do not know that they have ever found one guilty who was innocent. The negro has a fair showing in our section of the country.

Question. Have you negroes upon your juries?

Answer. The clerks and sheriffs and judges of probate are republicans; they have appointed negroes upon our juries, but the judge invariably discharges them; he does not believe that they are competent.

Question. They do not sit upon juries in your county?

Answer. In our county they never have, but they have in the county below—in Talladega.

Question. Is your judge a republican?

Answer. Yes, sir.

Question. He sets them aside upon the ground that they are incompetent?

Answer. Yes, sir.

Question. You have no difficulty in convicting a negro for these little petty thefts, if guilty?

Answer. None in the world.

Question. Then what can be the necessity for this extreme mode of proceeding against them for these little thefts?

Answer. None, only that I suppose these men who belong to this organization do not wish to take the trouble of having the matter investigated in court when they can attend to it so easily.

Question. Is there not danger of their punishing an innocent man sometimes?

Answer. O, yes, and they ought not to do it.

Question. Do you believe they have ever punished an innocent man?

Answer. I have never heard of their punishing an innocent man.

Question. Do you know that all they have punished have been punished for crimes they have been guilty of?

Answer. The punishments have not been great in our section of the country.

Question. Have there been many thefts, &c.?

Answer. Yes, sir; but they do not punish for every theft. I want you to understand that these Ku-Klux are not in all parts of the county, or all over the county, only in certain different neighborhoods. Probably in the two counties next to us, I have never heard of the klans being there; it is only now and then they spring up.

Question. They select whom they will punish for offenses; they do not punish all?

Answer. I hear of now and then one.

Question. Is there not a general terror of the Ku-Klux among the colored people there?

Answer. Yes, sir.

Question. Do you know whether colored people have slept out of their houses on account of them?

Answer. No, sir; I do not think that is so.

Question. Is there not a great deal of clamor among the white people about the negroes voting and getting control of the State by being allowed to vote?

Answer. No, sir; there is not much said about that subject. I think that upon principle a majority of the white people of the State are opposed to negroes voting; they think the ballot is unsafe in their hands, from the fact that they are incompetent, and do not know what they are voting for; they think that their persons and property are unsafe in the hands of ignorant men who have the ballot; a great many believe that.

Question. Do not the negroes understand very well that these bands are made up of democrats?

Answer. I do not think the negroes understand that. They just call them all Ku-Klux; they do not know what party they belong to; they do not know much about democracy.

Question. You think these operations had no effect in keeping the negroes from voting at the last election?

Answer. Not in our section; I am satisfied it did not; I do not think a negro was kept from the polls.

By Mr. COBURN:

Question. Do you consider Marion and Fayette Counties in the district you have been testifying about?

Answer. No, sir.

Question. Your testimony would not apply to any outrage committed over in Marion and Fayette Counties?

Answer. No, sir; my testimony is confined to the northeast portion of the State adjoining Georgia.

Question. You have mentioned the patrol several times; that is an institution peculiar to the South?

Answer. Yes, sir.

Question. Give us a description of what the patrol used to be.

Answer. Before the war?

Question. Yes.

Answer. Before the war they were men selected by the justices of the peace in precincts, whose duty it was to visit negro quarters and chastise, not to exceed thirty-nine lashes, any negro caught off the premises of his master without a permission in writing; probably after a time it got down to fifteen lashes; and they went from one house to another.

Question. What time did they perform that duty?

Answer. At night invariably.

Question. How many were there in a locality or neighborhood?

Answer. Probably there would be two companies, six in each company, with a captain, confined to a precinct of say ten miles square; hardly that, say six miles.

Question. Were they paid?

Answer. No, sir; they were not paid.

Question. Was it a voluntary system?

Answer. No, sir; the justice had the right to appoint any one.

Question. That duty was compulsory?

Answer. Yes, sir.

Question. How often did they go around?

Answer. Well, in some sections of the country they would go around once a week, then sometimes they would not go more than once a month; I think they were required probably to go around once a month.

Question. You have said that these Ku-Klux were perhaps the successors of the patrols?

Answer. Yes, sir; that is what I believe.

Question. Now as to the manner in which these Ku-Klux operate; do they inflict punishment in the same way?

Answer. Yes, sir. It seems to me that the whipping has been confined principally to colored men, but now and then they whip a white man, but these white men are invariably the scum of society. It is no use to call them republicans or democrats. They are hardly much; just the mere scum of society, and would perhaps vote the democratic ticket as soon as the republican ticket. They pick out such a man as that and give him a genteel thrashing.

Question. With what do they whip them?

Answer. I do not know; I suppose just with a switch or a leather strap.

Question. Who prescribes the punishment, and indicates what it shall be?

Answer. I do not know. There seems to be one man along who does the whipping.

Question. Did the evidence in the investigation show that they had any rules by which they operated?

Answer. The evidence in the Paytona investigation showed that they traveled around near this place, Ladiga, up and down the creek, and visited some four or five houses there, within probably two years; that they had taken out a white boy and whipped him, and I think one other band whipped a negro.

Question. I am not asking for instances of outrages?

Answer. Do you want to know how it was done?

Question. I am asking whether they have any regulations or rules?

Answer. I do not know about that.

Question. Have they any officers?

Answer. I do not know, only that I heard that there was an officer called the officer of the night, or something in that way, who seemed to control them just the same as the captain of the patrol of the night.

Question. Did the evidence show that they had passwords, grips and signs?

Answer. Force said they had. The evidence there by the various witnesses showed that they were controlled by means of a whistle.

Question. You said something about rules; that they had rules to whip and not to murder; do you not think they have rules of that kind?

Answer. No, sir; I do not think I said any such thing. I think their object was more to whip than to murder.

Question. Did they ever murder?

Answer. Only in that instance.

Question. Do you not know, as a matter of fact, that they have committed various murders?

Answer. Only in that instance, in that Paytona affair.

Question. Have you not heard that over in Fayette County, within the last three weeks, they have murdered three colored women?

Answer. No, sir, I never heard of that in my life.

Question. Have you not heard that in various states of the Union they have murdered more than one hundred people?

Answer. I have heard through the newspapers that they have murdered people; but I do not believe all that I see in the papers.

Question. Do you not believe, as much as you believe in the existence of anything you have not seen, that there have been divers murders committed by the organization in the Southern States?

Answer. I am inclined to think that there have been, but I have no reliable information about it; but there being so much in the papers, some of it I suppose must be true; but I do not know of any in the State of Alabama except this Paytona affair.

Question. Do you not believe there have been a great many other murders in Alabama?

Answer. I know there have been a great many men killed there.

Question. By disguised bands?

Answer. I think there have been some others, besides those hung at Paytona, murdered by disguised men.

Question. You say you limit your testimony to the community in which you live?

Answer. I wish that to be understood, to have all that I have said confined to the section of country in which I reside, to five or six counties. I do not pretend to know what occurs in Fayette, Winston, and Morgan, and all those counties over there.

Question. There is some testimony about the number of Klans in your county. I do not know whether you said that the evidence disclosed the number of Klans?

Answer. No, sir, I do not know. Force once said that there was a large number, but I do not pretend to know. I do not think he knows, nor Johnson, the man from whom he received his information.

Question. You said the purpose of these Klans was to keep the negroes from swearing to lies?

Answer. If you understood the negro character——

Question. What is the presumption down there as to the negro swearing?

Answer. The presumption is that the negroes cannot tell the truth; it is almost impossible for them to tell the truth; as to swearing, they have no great regard for an oath, with a few exceptions. When they have become a little intelligent, have been raised as body-servants, probably then they have some pride about them, and know the nature of an oath; but the great mass of the negroes down South really do not know the nature of an oath, and do not care.

Question. You think that is a more effectual way of making them tell the truth than to punish them in court according to law?

Answer. What I mean is that the Ku-Klux will be such a terror to the negro that he will not do anything that is bad.

Question. And in addition to that, he regards that as a prompt and speedy way of punishment, and it will have more effect than to wait the slow process of the law?

Answer. Yes, sir; he knows what that means; but as for lying in jail six months, he would not care much about that.

Question. That is a remedy for perjury, thieving, and all that sort of thing?

Answer. Yes, sir.

Question. Another difficulty complained of in that section of the country is in regard to collecting taxes, and in regard to frauds upon the revenue. Did this Klan ever assist the Government in that matter?

Answer. Not that ever I heard of.

Question. You never heard of that?

Answer. No, sir; I never heard of it.

Question. Did they ever assist the Government in protecting the mail routes?

Answer. No, sir; but the democratic party down there have been very anxious to give the Government all the assistance they could, because there has been a great deal of thieving going on, and they have suffered; the democratic party is right for the Government there. If the democratic party is the Klan down there, they have given the Government all the assistance in their power.

Question. You have said something about a white man and a negro getting into a controversy about some matter, and that if the negro was forward and saucy, the white man would slap him?

Answer. Yes sir, they might do that.

Question. Suppose the negro did the slapping?

Answer. If he did he would just get scissors; he would not be punished before the court, but he would be pitched into at once outside of the court.

Question. They would not tolerate anything of that kind?

Answer. If a negro there should come up and slap a white man, I suppose the white man and his friends would give it to him; though, if he were brought into court and convicted of it, there would not be much of a punishment for him.

Question. There is a great deal of dread on the part of some people of the country of negro equality. Do you apprehend that the negroes in that part of the country will ever become socially the equal of the white people?

Answer. No, sir: that is a matter the people will regulate for themselves.

Question. Do you think there is any danger at all of that?

Answer. No, I do not.

Question. Do you think there is any danger of the negroes mixing much with the whites by marriage?

Answer. No, sir; there will have to be considerable revolution in our country before that is done, even with the lower class of whites, or with any class.

By Mr. BLAIR:

Question. Even without the Ku-Klux?

Answer. Yes, sir, or with them. That class of people who reside in the South and have never owned negroes are more bitterly opposed to social equality than slaveholders. They hate the negro worse, and the negro hates them worse; the negro calls them poor white trash.

By Mr. COBURN:

Question. Do the negroes assert anything like superiority or even equality socially with the white people down there?

Answer. Not in our section of the country they do not; I do not know about it in the lower part of the State. On account of their numbers there they may claim some rights there. In our section of the country the negroes have behaved remarkably well. There is no difficulty between whites or blacks unless one or the other is drunk. When white men get drunk sometimes they do something to the negro, and then the negro asserts his rights, and he is frequently protected by white men when imposed upon by white men. But in my section of the State, so far as the negro is concerned, he has behaved himself remarkably well.

Question. Is there such an order in existence down there as the White Brotherhood or the Pale Faces?

Answer. I have never heard of it until this present congressional committee met.

Question. Did this Ku-Klux business start until the negro had the right of suffrage allowed him?

Answer. Well, sir, I do not know.

Question. He had the right of suffrage given him in 1867, under the reconstruction acts?

Answer. Yes, sir, and in our State the first time he cast a vote was in February, 1868. I do not know when the Ku-Klux commenced in Alabama. We heard of it often in Tennessee; it existed there a long time before it found its way into Alabama. After it had got down there, I think a great many joined it on account of the novelty of the thing; they heard a great many stories about its grotesque paraphernalia, and a great many went into it out of curiosity. I am satisfied that at this time it is dying out.

WASHINGTON, D. C., *August* 3, 1871.

SAMUEL F. RICE sworn and examined.

The CHAIRMAN, (Mr. POOL.) As this witness is from your State, Mr. Buckley, and as you are doubtless more conversant than myself with the matters about which he is to testify, you had better open his examination.

By Mr. BUCKLEY:

Question. Please state where you reside?

Answer. In Montgomery, Alabama.

Question. How long have you lived there?

Answer. Since the early part of January, 1852.

Question. State what public positions, if any, you have held in the State of Alabama?

Answer. I have been several times a member of the legislature of the State, having been first a member of the House for several sessions, and afterwards a member of the Senate. I was also the public printer of the State at one time. Afterwards I was judge and chief justice of the supreme court of the State.

Question. State how long you have practiced law in Alabama?

Answer. I have been a practicing lawyer since I first went to Alabama, which was in the spring of 1838.

Question. You practice in the State courts and in the United States courts?

Answer. Yes, sir.

Question. Is your practice confined to any particular judicial district?

Answer. No, sir; I practice in a large number of counties of the State. My regular practice is now in the counties adjacent to Montgomery. Formerly, before I moved to Montgomery, I resided fourteen years in the upper country, at Talladega; and at that time my practice was in that region of the State.

Question. Then you have a general acquaintance all over the State?

Answer. Yes, sir, a very general acquaintance.

Question. Your practice brings you into intercourse with people from all quarters of the State?

Answer. It does.

Question. From the knowledge which you have thus gained, please state to the committee the condition of your State so far as regards the execution of the laws and the safety of property and person.

The CHAIRMAN, (Mr. POOL.) It may be well to inform you, Judge Rice, that in this examination we do not confine a witness, as the courts do, to the statement of facts within his own personal knowledge. You are at liberty to state any matters which you have learned from information upon which you rely.

Answer. In the region of the State in which I practice at the present time, where cases are actually instituted in the courts, the administration of the law is respectable, to say the least. But it is also proper to say that there are cases in some portions of the State of which I have heard in which I am satisfied the law cannot be administered.

By Mr. BUCKLEY:

Question. To what kind of cases do you refer?

Answer. Cases connected with and growing out of political and party differences—the struggles of each of the contending parties in that State for the control of its government.

Question. Have you heard of any cases of whipping or other outrage committed by men in disguise?

Answer. Yes, sir, I have heard of such cases frequently. I have no personal knowledge of any such cases, but I have often heard of them.

Question. In various parts of the State, but not in your immediate region?

Answer. Not in my immediate region. The nearest county to Montgomery in which I have heard of the commission of outrages of that sort is Coosa County, or the upper part of Elmore County.

Question. Are cases of that class difficult to be adjudicated?

Answer. From my understanding and belief an *alibi* has been proved in every case of that kind that I have heard of where there has been an attempt to bring the accused party to justice in the courts or before any judicial officer.

Question. Is there not also difficulty in identifying the parties when the outrages are committed by disguised men?

Answer. Yes, sir; I understand that such a difficulty exists; but even when that difficulty is surmounted an *alibi* is generally established.

Question. During how long a period have you heard of cases of that sort? How far back do these rumors run?

Answer. About two years back, I think. Two years, Is hould say, would embrace it.

Question. Have you known any cases of that kind to be brought into the State courts and the perpetrators of such outrages punished by the State authorities?

Answer. I have not known of any case where they have been punished.

Question. Is there not a law in the State of Alabama giving an injured person the right to sue and recover from the county damages for such outrages; and have there been recoveries from the counties?

Answer. Where suits have been instituted against the counties under the State law, there have been a few recoveries. But the individual offenders have not been punished.

Question. Please give us the title and date of the law under which recoveries from the counties have been had?

Answer. The act was approved May 28, 1868. Its title is "An act to suppress murder, lynching, and assault and batteries."

By the CHAIRMAN, (Mr. POOL:)

Question. Please read so much of the law as relates to such cases as we are now considering.

Answer. The first section of that law provides: "That, whenever in any county of this State any person shall be assassinated or murdered by any outlaw, or person or persons in disguise, or mob, or for past or present party affiliation or political opinion, the widow or husband of such person so murdered or assassinated, the next of kin of such person, shall be entitled to recover of the county in which such murder or assassination occurred the sum of $5,000 as damages for such murder or assassination, to be distributed among them according to the laws of Alabama regulating the distribution of the estates of intestate decedents.

By Mr. BUCKLEY:

Question. Taking into consideration the tone of public sentiment prevailing in Alabama, can persons go into all parts of the State and express or advocate their political opinions with freedom and personal security?

Answer. In much the larger portion of the State I think any person would be safe in doing so; but there are portions of the State in which, in my judgment, that would not be the case.

Question. Can you name some portions of the State where you have learned of trouble existing?

Answer. From the best information I have, my undoubting belief is that during the last election there were counties in Western Alabama in which a man would not have been safe in advocating political opinions distasteful to a portion of the people. On one occasion when I was speaking (and I know that my remarks were within the legitimate range of discussion) my own personal safety was threatened; there was an open proposition to take me from the stand where I was making a public speech; and the man who made the proposition got hold of my leg for the purpose of putting the proposition into execution. That was at Troy, in the county of Pike.

Question. Did that occur last fall?

Answer. Yes, sir; in the last campaign.

Question. Were there any demonstrations of violence?

Answer. A lawyer named McCaskle took hold of him. McCaskle was the first one I noticed. He is a democratic lawyer, with whom I am acquainted, and a personal friend. General Clanton, who was present at the time, and who propounded the question the answer to which induced this proposition, was on my right, and this man who made the proposition was on my left. General Clanton came around very soon and took part with others in controlling this man who made the assault. The question which General Clanton put to me was whether I would vote for that negro who was a candidate on the republican ticket for the office of secretary of state. I answered that, believing him to be qualified, and knowing he had been fairly nominated, and professing myself to be a republican, I should feel bound to vote for him; that it would be hypocrisy on my part, when I believed he was qualified and fairly nominated, to refuse to vote for him because he was a negro; and that of course I should vote for him. When I said that, this man said, "Let us take him off the stand;" and he caught me by the leg.

There were other interruptions of a marked character during the same discussion, all of which General Clanton saw and heard. He and I were engaged in a discussion at the time, he speaking on the democratic side and I on the republican side. You, yourself, [addressing Mr. Buckley,] made a short speech on the same occasion. While I was speaking a man, who I understood lived in Troy and was a livery-stable keeper, came along with a bell, which I understood was used as a tavern bell, and was obtained by him from the hotel. He came up the sidewalk, ringing the bell as if he were an auctioneer. I thought I understood what the purpose was; and when he got within some ten or fifteen feet of where I was I remarked in a good-natured way that I had not come there to interrupt or interfere with any legitimate business; and I asked the crowd to excuse me from making any further remarks in the discussion till this auctioneer got through with giving his notice as to the time and place where his auction would occur. Upon that, some persons whom I did not know took hold of him and carried him off.

Question. Did he come up into the audience with the bell?

Answer. He came up within ten or twelve feet of where I was and among the people who were listening. He rang the bell till he got within that distance. There were other interruptions—cursing, and rude, insulting remarks, such as "damned radical," "damned liar," and other things of that sort; remarks made so that they could be heard by the speaker and by others. I staid all night at the hotel in that town, and, as you recollect, [addressing Mr. Buckley,] I was in the room which you occupied at the hotel. A citizen of the town had come in, and we were talking, (I suppose it was 10 o'clock at night,) when near the window by which you were sitting a volley of brickbats, or rocks, or other missiles came heavily against the house. I noticed that the citizen who was in there at the time, after staying a while, drew out a pistol, looked at it, cocked it, and left the room, carrying it in his hand cocked.

Question. Do you think he felt he was in personal danger?

Answer. I have no doubt he felt so, from his action and from his remarks also; for he came into the room late and evidently did not wish it known to the people there that he had been in the room. That was the impression made on my mind.

By the CHAIRMAN, (Mr. POOL:)

Question. Was he a republican?

Answer. No, sir; he was a democrat, as I understood, but was impressed very favorably toward the republican doctrines by what he heard of the speeches that day. I never had seen him before.

By Mr. BUCKLEY:

Question. Did he not state to you that he was a Douglas elector in 1860?

Answer. A Douglas man, as I understood. I can state further, that while I was there,

several of the colored people, when they came into my room, told me privately that they were afraid to express their opinions, and were even afraid to vote; that they did not think they would go to the election; that they thought the hazard would be too great. I know nothing further about that than what they told me.

Question. Do you know of any instances of a similar character occurring in any other part of the State.

Answer. During the same campaign, at Tuskegee, in Macon County, I was speaking on one occasion to a pretty considerable crowd; the court-house was nearly full. All the white people were near to me, and the colored people in the further part of the court-house. The different races were pretty well separated—the colored people to themselves and the whites to themselves—the latter being in front. While I was speaking, there were several interruptions by sounds and noises difficult to describe, but expressive of indignation and contempt; and that too when I had said nothing that could justly be considered offensive. It is proper to say that I was careful in my speeches throughout the campaign, to avoid adding to the irritation which I knew existed. I recollect that in a portion of my remarks I tried to persuade the people that unwise resistance was generally hurtful to those who made it, though their course might be right and what they resisted might be wrong. The sounds which occurred several times during the speaking were calculated to interfere very much with any speaker. When I would be looking in one direction the sounds would be in another. They all came from the white portion of the crowd.

At another place, Opelika, in Lee County, there were a great many interruptions. I may state that at Troy there was no interruption whatever of General Clanton, so far as I know, and I am satisfied there was none; he was heard respectfully by every portion of the crowd.

Question. Did you make a speech during the campaign at Tuscumbia?

Answer. I did make a speech at that place. It is the residence of Governor Lindsay, the present governor of our State, who was then a candidate. Governor Smith, General Warner, and myself were advertised to speak there on a certain day of the circuit court. The day was a fine one, the court was in session, and a good many people were in town. I commenced my speech in the court-house as soon as the court adjourned. What struck me was the exceedingly small crowd present, and the fact that there was not a colored person in the audience; not one came into the court-house. I have no idea that there were as many as fifty persons present, and those who were there were mainly lawyers, together with the judge, and some few personal acquaintances and friends that I had there. A crowd, white and colored, was in the street, but did not come in. There was no violence; no interruption was offered; the surprising fact was that the people appeared to stay away entirely.

Question. Did you learn what excuse was given for their staying away?

Answer. Well, I jocosely remarked to a democrat, whom I had known for many years, that they seemed to have their brother democrats up in that country under pretty good control, when they would not even hear a republican speech. He said that that was the right way to do it. I asked some of the colored men how it happened that republican speakers, after being advertised to speak in that town, should not be able to get a solitary one of the colored race present to hear the speaking. They said they were very anxious to attend, but were afraid; that they believed it was not safe for them to do so.

The next town at which we spoke was Florence, a town some six or eight miles, I believe, across the Tennessee River. At the speaking in Florence I saw several of the colored people whom I had met in Tuscumbia the day before. They attended the meeting at Florence, but said they were afraid to attend that at Tuscumbia.

Question. Did you ever before make a republican speech in that State when there was no colored person present?

Answer. No, sir; I never saw such a thing as that anywhere. I never knew an instance where, if colored people were near by and knew there was to be republican speaking, there was not a single one in attendance.

Question. Do you know of any difficulties having occurred in public speaking in the western part of the State?

Answer. Only from information; I have no personal knowledge. I heard Governor Smith's account of disturbances there, and the accounts of several others, whom I believe to be truthful men.

Question. Do you refer to the riot at Eutaw?

Answer. I refer to the disturbances at Eutaw and also at Livingston. The occurrence at Livingston, Sumter County, was the day before the outbreak at Eutaw.

Question. Did you hear that the United States district attorney attempted to speak at Brundidge and could not?

Answer. I heard him speak of that himself. My recollection of his account of it is, that when he arrived there they gave him to understand that he had better not speak; he undertook to argue and reason with them, and there was a division among those who were opposing his speaking. Finally, as I think he states, one of them said to

him that he could speak, but the idea was implied that he would do so at his peril. From all the indications he was satisfied that his speaking would lead to violent results; and he did not speak because of the impression made upon him by the crowd that he could not be heard without endangering the public peace and creating disturbance.

Question. I invite your attention to a question and answer in the testimony of General James H. Clanton:

"*Question.* Is there freedom of speech in your State at present to all persons of all political parties?

"*Answer.* No, sir; there is freedom of speech for republicans, white and black, and for white democrats; but there is none for colored democrats."

Have you heard of any democrats being interfered with in any way, either for voting the democratic ticket or for making democratic speeches?

Answer. I heard that several years ago, while the United States military forces were in our State, General Crittenden, I think, being in command, there was a public meeting at which a colored man from Tennessee made a speech that resulted in a disturbance on the part of the colored people. I heard of that; I was not there. That is the only case of the kind I ever heard of.

Question. In what year was that?

Answer. I really cannot fix the year. It was at least two or three years ago. I am satisfied it was while General Crittenden was in command of the military.

By Mr. BLAIR:

Question. Was the colored man making a democratic speech?

Answer. Yes, sir; a colored man from Tennessee, whose name, I think, was Williams. That is what I heard; I was not present.

Question. He attempted to make a democratic speech?

Answer. Yes, sir. That was several years ago. I know of several colored men about Montgomery who are democrats, and I have never known of their being interrupted or interfered with at all. I know there is one there now in the service of some officers at the State-house. Cæsar Shorter, I think, is the name they call him; I believe he used to belong to Governor Shorter. He has been known among democrats and republicans, white and colored, as a democrat. Levi Floyd is another colored democrat. He was a while at the State-house. I have myself heard him make democratic speeches without interruption. The instance I have mentioned as occurring several years ago is the only case of the kind I ever heard of. I know several colored men who are well known to be democrats, and I have never known or heard of any interference with them. I meet them often, and I see the colored people meet with them. I do not see that the treatment extended to them differs from the treatment extended to colored people who are republicans.

Bp Mr. BUCHLEY:

Question. What effect do you think the riot at Eutaw last fall had on the republican vote of that county?

Answer. What I may say on that point is, of course, only a matter of opinion; but I do not entertain a doubt about the effect which that riot had. I base my opinion upon what I heard as occurring there, as well as on a comparison of the results of the election in that part of the State with the results in my own portion of the State.

Question. Compared, for instance, with the county of Lowndes?

Answer. Yes, sir, or Montgomery. I know there was no portion of the State in which the contest on the part of the democrats was, within legitimate bounds, conducted with more energy and ability than it was in and around Montgomery. The central democratic committee had Montgomery as their headquarters. General Clanton, a very efficient, energetic, and influential man, resides there. He was indefatigable in his efforts. No man, I think, ever acquitted himself with more credit in laboring for an organization of that kind than he did. He is a man of extensive acquaintance—a man having a great number of personal friends. By him and by all the other leading democrats of that region every legitimate political agency for securing success was brought into requisition. No extraordinary violence or outrage was resorted to so far as I know. The result in Montgomery, as well as in Lowndes, Bullock, and Barbour—large counties—was eminently favorably to the republicans in spite of the powerful efforts which had been made by the ablest democrats in the State to make an impression upon the republican voters.

Question. In those counties you increased the republican vote?

Answer. We either held our own or increased our vote. But in Western Alabama, where I feel certain that the democrats, if they confined themselves within legitimate bounds, had not advantages equal to those of the democrats in the portion of the State where I reside, there was an immense, an extraordinary, an unprecedented falling off in the republican vote, which, so far as I know, cannot be accounted for except by attributing it to intimidation resulting from the demonstrations made in that part of the State, at Eutaw and Livingston, and other demonstrations of violence and outrage toward those who adhered firmly to the republican party.

Question. Then I infer you do not agree with Governor Lindsay in this statement which appears in his testimony:

"Now, I am positively informed, and so believe, that the riot at Eutaw injured us in Greene County not fewer that five hundred votes."

He says again:

"I am satisfied that the majority for the democratic ticket in Greene County would have been five hundred more had the riot not occurred."

Answer. I think that any opinion of that kind is utterly incredible and irrational: I do not think it has a particle of ground, either in fact or in reason.

Question. What do you think would have been the result of the last State election had every one felt free to vote as he desired?

Answer. I think there would have been a large republican majority in the State. I am perfectly convinced that a large majority of the legal voters of Alabama were then, and are now, of the republican faith.

Question. Were you in Montgomery at the time Governor Smith filed a bill to obtain an injunction staying a declaration of the result of the election for governor until the legislature could provide by law for a contest?

Answer. No, sir; I was not there when the bill was filed; I was attending court either in Barbour or Russell County. I got home a few days after the bill had been framed, and after it had been submitted to a circuit judge for an injunction. He had refused the injunction; and then the bill had been handed to a supreme court judge. Under our law it could not go to a supreme court judge until it had first been presented to a circuit judge or chancellor, and refused by him. The bill was in the hands of the supreme court judge when I got home. At that time Governor Smith stated to me that he had commenced a suit, and asked me if I would take part with his other counsel, White and Parsons, in the management of the case for him.

Question. Did you become one of the counsel?

Answer. Yes, sir; I was employed under those circumstances. The bill was immediately sent for, before it had been acted on by the judge. Governor Smith said he wished to know my opinion whether it was good in law, and could be sustained. I examined the bill carefully, and had not a doubt then upon investigation, nor have I ever had, nor have I now, about the right of Governor Smith to the injunction applied for and obtained in the case.

Question. Was the injunction against the supreme legislative authority of the State government, as has been stated here several times in evidence, or was it against a ministerial officer performing a ministerial duty?

Answer. There has been a total misrepresentation of the bill and the principle on which it rested. The bill was not for an injunction upon the legislature. Nothing of the sort was sought or asked for; no idea of that kind was entertained by those who framed or sustained the bill. That bill, as filed by Governor Smith, asserted in substance that he was, and had been for some time past, the governor of the State; that he had been a candidate for reëlection; that Robert Lindsay was the opposing candidate, and that William H. Smith had, in fact, been reëlected, but that by force, fraud, intimidation, and other unlawful means, the returns of the election, as made by the returning officers to the secretary of State, showed a small majority in favor of Lindsay, and against Governor Smith, whereas, in truth and in fact, Governor Smith had been reëlected, and but for this fraud, intimidation, and unlawful violence the returns would have shown that he was reëlected. He stated further in his bill that Lindsay was insolvent. The bill was framed upon the idea of invoking an injunction to prevent irreparable injury to one who was in possession of property and claimed title to it.

By Mr. BLAIR:

Question. Do you consider that office property down there?

Answer. An office is a public trust; but, although it is a public trust, it is clearly the private property of the incumbent. The authorities for this position are found in Warnock *vs.* Holloway, 2 Alabama Reports. An office is as much private property as a hat or a coat or any other property.

Question. What bearing had Lindsay's insolvency upon the question?

Answer. I will state the bearing which it had upon the question. In many cases you are not entitled to an injunction, (which is a preventive remedy,) unless you show that irreparable injury will result to you in the absence of an injunction. The injunction is to prevent the irreparable injury. Now, Governor Smith in filing that bill says in substance: "I am in possession of the office rightfully and legally; I am reëlected to it lawfully and properly; but, by fraud, intimidation, and violence, the returns of the election have been made to bear a complexion against me by a small majority." He says, further, that under a provision of the constitution of the State a ministerial duty is assigned to the presiding officer of the senate in reference to these returns made to the secretary of state; that is, to open and publish them in the presence of the majority of both branches of the general assembly. "Now, the theory of the bill was this: If this

ministerial duty, assigned by the constitution to the presiding officer of the senate—that is, the opening and publishing of these returns—is performed by him, it will be entered upon the journals of the two houses, and there will be a *prima facie* right or title in favor of Lindsay, which will enable him to get temporary possession of this office. This will certainly be so, because, under the circumstances, there can be no contest of the election of governor except before a joint convention of the two houses, and that cannot be had until after a law has been passed providing for it; and no law of that kind has ever been passed. Governor Smith's bill stated substantially, "I have no remedy at law to make a contest. I lose the temporary possession of this office, to which I am lawfully entitled, if this ministerial duty assigned by the constitution to this officer is allowed to be performed by him; he will dispossess me temporarily of the office, the salary of which is $4,000 a year. This insolvent claimant will pocket the salary for the time he holds possession; and though I may afterward establish my title to the office with perfect clearness, I never can get out of the pocket of this insolvent the money which he will have drawn in the mean time, during his possession of the office. To that extent I shall be irreparably injured." On that theory Governor Smith called upon the chancellor to say, "Hold things as they are; prevent the performance of this ministerial duty until the legislature shall pass a law, as the constitution requires them to do, prescribing the manner of conducting the contest of an election for governor."

Question. Do you not think that if Governor Smith had established his right to that office, his right would have related back to the time when his other official term expired, and that he would have been entitled to his salary, no matter whether it had been drawn by Lindsay or not?

Answer. The view which your question implies is partly right and partly wrong. I know that the right of Governor Smith, when established, would have related back to the beginning of the official term; but if, in the mean time, Lindsay had been in the office and drawn the salary according to law, Governor Smith could not have drawn it from the treasury again. Hence, his only chance under the law of the land to obtain the salary for that portion of the official term, would be for Governor Smith to sue Lindsay for the recovery of money had and received.

Question. Then the practice in your State is different from what it is anywhere else. A successful contestant for a seat in Congress draws pay from the beginning of the official term.

Answer. That results from the exercise by the legislature of its legislative power. A legislative body has, in such a matter, a discretion, which cannot be claimed by a court of justice. The legislature of Alabama, I admit, might have passed, if they had chosen to do so, an act giving Governor Smith his salary for the time for which Lindsay had pocketed the money while he held possession of the office. I admit, the legislature might have done so.

By the CHAIRMAN, (Mr. POOL:)

Question. Would not that have resulted in a loss to the State?

Answer. That would have involved a loss to the State. Lindsay and Smith would both have been paid for one and the same period of time. But, mark you, Governor Smith, if he established his right to the office, had a fixed legal right to the salary, which did not depend on whether the legislature passed an act allowing it to him or not.

By Mr. BLAIR:

Question. As a matter of law, if he established his right, that right related back to a certain date?

Answer. Certainly.

Question. He was entitled then, as a matter of law, to the salary for the whole term; and if in the mean time the proper paying officer of the State had allowed Lindsay to draw his salary, was not that officer, if any one, responsible for paying the wrong man?

Answer. No, sir; the law is directly the reverse. If the returns had been opened and published, and Lindsay had been entered on the journals as elected, and afterward had drawn upon the proper officer for his salary, and that proper officer had refused to pay it, Lindsay could, by mandamus, have compelled him to pay it.

Mr. BLAIR. I know he could.

WITNESS. If the officer had paid him, with or without a mandamus, Lindsay's receipt for the salary would have been a complete discharge of the State officer who paid it, and a complete discharge of the liability of the State, whether to Smith or anybody else. I desire to say again that the injunction was not against the legislature, but was against the presiding officer of the Senate, to prevent him from performing the ministerial duty assigned to him by section 3 of article 5 of the State constitution, which reads as follows:

"The returns of every election for the officers named in the preceding section shall be sealed up and transmitted to the seat of government by the returning officers,

directed to the presiding officer of the senate, who, during the first week of the session, shall open and publish the same in the presence of a majority of the members of the general assembly. The person having the highest number of votes shall be declared duly elected; but if two or more shall be the highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses. Contested elections for executive offices shall be determined by both houses of the general assembly in such manner as shall be prescribed by law."

Now, this injunction of Governor Smith was simply to restrain the presiding officer of the senate from performing this ministerial duty of opening and publishing the returns in the presence of the two houses. The object was by the injunction to hold things in the condition in which they were before the opening and publishing of the returns, until a law could be passed which never had been—the law required by that section—prescribing the manner in which the contest for an executive office should be carried on. We have no law of that kind; that part of the constitution is not self-executing, and it has not been executed by the legislature, as is shown in the bill.

The injunction was granted at the instance of one in possession of property—private property. Although an office is a public trust, yet it is the private property of the incumbent, as much so as any other property which is capable of ownership, and it can be protected precisely to the same extent and by the same rules of law by which the possessor of any other kind of property may protect it from irreparable injury.

By Mr. BUCKLEY:

Question. Have you authorities in support of that position?

Answer. There are authorities in abundance; and if I had had any idea that I was to be examined on this point I would have brought them here.

The CHAIRMAN. (Mr. POOL.) There is no authority to the contrary. The principle is laid down in Blackstone.

WITNESS. No; there are no opposing authorities. If this had been any other kind of property than a public office there never would have been any misconception about it, unless it might have grown out of that blinding effect which party prejudice produces sometimes on the best of us.

The bill of Governor Smith was not designed to try the title to the office, but simply to protect Governor Smith's possession and enjoyment of the office against irreparable injury until the title to the office could be legally tried. In the case of Warmock *vs.* Holloway, 2 Alabama Reports, it is declared (I quote the decision from memory) that—"An office is as much a species of property as anything that is capable of being owned; and conflicting claims thereto are determinable by the same rules and upon the same principles as any other contests about rights to any other property."

By Mr. BLAIR:

Question. You have said that this bill alleged, among other things, that the election was carried by fraud. Was any evidence of fraud offered before the court?

Answer. An application for an injunction in our State is always *ex parte.* No evidence whatever is adduced, except that the bill for the injunction is sworn to. After the injunction is granted——

Question. The prayer of the bill was to enjoin the presiding officer of the senate——

Answer. From opening and publishing the returns until the further order of the chancery court. It was a temporary injunction.

Question. Then what did you propose to do?

Answer. It was proposed to hold things precisely as they were, Smith in possession, until a law should be passed by the legislature prescribing the manner in which the contest should be conducted, and to force Lindsay either to make the contest, or to have some step taken in reference to the chancery suit that would bring it to a hearing or trial. As to the proof, it is open always to the defendant in an injunction suit to move, either in vacation or in term time, for the dissolution of the injunction, upon giving ten days' notice, and filing an answer.

By the CHAIRMAN, (Mr. POOL:)

Question. Upon a motion to dissolve an injunction, facts are alleged controverting the allegations of the original bill?

Answer. A motion to dissolve can be made on the answer alone.

Question. But a motion to dissolve is made on an answer controverting the allegations of the original bill, and that is the proper stage for proof?

Answer. The defendant, if he denies all the allegations of the bill outright, is entitled to a dissolution of the injunction before any proof is taken. After giving ten days' notice he can move to dissolve for want of equity or for want of jurisdiction, or upon the denials in his own answer.

Question. Did Governor Lindsay file an answer to the allegations of the bill?

Answer. No, sir. Governor Lindsay was not made a party to that bill, and it was not necessary——

Question. Did any one file an answer denying the allegations of the bill?

Answer. No, sir. The presiding officer of the senate was the sole party defendant, and he never filed any answer.

This prayer for an injunction was made and granted. Now what was done? While that injunction was in full force, the friends of Governor Lindsay, as it was said, and I believe it to be true, procured a circuit judge, J. Q. Smith, who was then holding the regular term of the circuit court at Selma, to leave his court there and come to Montgomery, where there were one or two or more circuit judges; and when he came to Montgomery they instituted a summary proceeding authorized by our statute.

By Mr. BLAIR:

Question. But prior to that had not the vote been declared?

Answer. I will answer that question directly. Here is the statute under which that proceeding was instituted:

"In all cases in which it is not otherwise expressly provided, when any office is vacated, except by the death of the incumbent, all books, papers, property, and money belonging and appertaining to such office must, on demand, be delivered over to his qualified successor; and every person violating this section is guilty of a misdemeanor, and on conviction thereof must be fined not less than two hundred dollars.

"If any person refuses or neglects, after demand made, to deliver over any books, paper, or property as required in the preceding section, his successor may make complaint thereof to the judge of the circuit, or judge of probate of the county in which the person refusing resides; and if such judge is satisfied by the oath of the complainant, and such other evidence as may be offered, that any such books, paper, or property are withheld, he must grant an order requiring the person so refusing to show cause before him, on a day and at a place named in such order, why he should not be compelled to deliver the same."

As I am informed and believe, the friends of Governor Lindsay procured J. Q. Smith, circuit judge, to leave the court he was holding at Selma, and come to Montgomery, where there was at least one circuit judge, if not more, at the time; and before him Governor Lindsay instituted the proceeding.

By Mr. BUCKLEY:

Question. Was Montgomery in Judge Smith's circuit?

Answer. Yes, sir. He was a judge of the circuit in which Montgomery is; but he was at the time holding court in another county. After he came to Montgomery, a proceeding was instituted under the statute I have just read, in the name of Lindsay, to recover from Smith the books, papers, and paraphernalia of the office of governor. The notice was given to Governor Smith in the forenoon of a particular day; and the trial was set for that afternoon about 3 o'clock. When we went into that trial I objected to the jurisdiction of Judge J. Q. Smith over this case, upon the plain words of the statute, which are these:

"If any person refuses or neglects after demand made to deliver over any books, papers, or property as required in the preceding section, his successor may make complaint thereof to the judge of the circuit or the judge of probate of the county in which the person refusing resides."

The complaint of Lindsay alleged that he was the qualified successor of Governor Smith; that he had made a demand upon him for the books, papers, and paraphernalia of the office of governor; that Smith had refused to deliver the same. The bill did not allege that Governor Smith lived in that county. The fact was notorious to Judge J. Q. Smith, as it was to all other parties concerned, that William H. Smith, the governor, did not then reside, and never had resided, in Montgomery County; but, in fact, resided in a distinct county, called Randolph. The jurisdiction is confined, as will be seen by reference to the statute, to the judge of the circuit in which the person refusing resides.

By Mr. BLAIR:

Question. Had not Governor Smith resided in Montgomery during all the time he was governor?

Answer. There was no law requiring the governor to reside at the capital; he was there frequently; but he retained his family residence uninterruptedly in Randolph County; his family remained there, and he had no residence in Montgomery.

By Mr. BUCKLEY:

Question. Is Randolph in another judicial circuit?

Answer. Yes, sir; another one entirely; neither the one in which Smith was holding court, nor the one for which he was elected. In that respect there was a plain and palpable usurpation of jurisdiction.

By Mr. BLAIR:

Question. Could the case be appealed?

Answer. I suppose it could; I will not say "appealed;" it was revisable.

Question. Was any attempt ever made to revise the action of Judge Smith?

Answer. No, sir; it was never finally decided before him; but he overruled promptly the objection to the jurisdiction. He heard us on that question, but promptly, after we were through, decided that he had jurisdiction; and he required the personal presence of Governor Smith in court. He said he would not hear an application for continuance or any other application till Governor Smith was present; and he allowed thirty minutes for me to get Governor Smith there. I went to the capitol, and in thirty minutes Governor Smith came down.

By the CHAIRMAN, (Mr. POOL:)

Question. Did the judge have a right to require the personal presence of a party in such a proceeding as that?

Answer. None in the world. It was purely a civil proceeding; and no judge has the right to require personal presence in a purely civil suit except it be a proceeding for contempt. But he required the personal attendance of the governor; and the governor came. From these rulings of the judge and other plain indications, Governor Smith and his counsel were perfectly satisfied that the case was prejudged, and that J. Q. Smith would decide it against Governor Smith, no matter what might be the proof or the law. In that state of things, without my knowledge, the subject of a compromise or settlement grew up between Governor Smith and General Pettus, who was one of Governor Lindsay's lawyers. That negotiation resulted in a compromise.

By Mr. BLAIR:

Question. What was the compromise?

Answer. The compromise was that Governor Smith yielded, upon the ground distinctly declared, that, although he was satisfied he was fairly and lawfully reëlected, his continuance of the litigation and the contest in the palpable excitement that surrounded the whole matter would tend to disturb the public peace; and the detriment to the material interests of the people of the State would be infinitely greater than the possession of the office itself by any particular man could possibly compensate.

Question. So he agreed to give it up?

Answer. He agreed to give it up for the reasons declared?

Question. When one man gives up all that the other claims, do you call that a compromise?

Answer. They all called it a compromise—a settlement and compromise.

Question. Do you call it a compromise?

Answer. I do.

Question. When there is a controversy about a certain thing, and one of the parties gets all that there is in controversy, and the other loses all that there is in controversy, do you call that a compromise?

Answer. I do not think that was the case here. I do not think that one party obtained all. I think that Governor Smith got all the credit that patriotic action can secure to a man when, out of regard for the public peace, he yields a claim that he honestly believes to be a good one. Governor Smith believed his claim to be good, and so did I; but he was satisfied that by insisting on his strict legal rights he would involve his State in calamities and troubles, from the violence and lawlessness of the opposing party, which would more than counterbalance any benefit that could come from his holding the office.

Question. I have no doubt that he got the credit of preserving the peace, but I do not believe he got all the credit you claim for him.

Answer. General Pettus and Judge Brooks, counsel for Governor Lindsay, published a card in the Montgomery papers in which they gave Governor Smith great credit for his patriotic action.

By Mr. BUCKLEY:

Question. Have you stated all that you wish to state in this connection?

Answer. I wish to state in this connection that before this summary proceeding under the statute was instituted by Lindsay before Judge J. Q. Smith, and while the injunction was in full force, in plain and palpable violation of that injunction, the presiding officer, in the absence of the senate, after the senate had adjourned for the day, proceeded to open and count the returns in the presence of the house of representatives; his opening and publishing those returns was entered upon the journals of the house, but not on the journals of the senate; and it was upon a count of that kind that Governor Lindsay claimed the right which he asserted in this summary proceeding under the statute.

By Mr. BLAIR:

Question. That was a senate which had held over?

Answer. Yes, sir; the same one that we have still; the senate which has been recognized by the democratic party as a good senate.

By Mr. BUCKLEY:

Question. It has been stated here in evidence that the fourteenth amendment to the Constitution together with the reconstruction acts, embracing what is usually termed the reconstruction policy of Congress, has caused great dissatisfaction in the Southern States. I wish you would state to the committee your view upon that subject?

Answer. I think the dissatisfaction and discontent in Alabama are, to say the least, older than the fourteenth amendment, or the reconstruction measures of Congress. The dissatisfaction and discontent in the Southern States existed at the beginning of the war; and to do justice to this matter you must go back to that period. In my judgment the prevailing belief in Alabama at the beginning of the war was that the republican party, by the election of 1860, had acquired power to carry out their scheme of injury and wrong to the southern people and their property, and that they were determined to do so if the Southern States remained in the Union. It was believed that the purpose of the republican party, among other things, was to put the colored race upon the ground of civil and political equality with the white race. I believed that myself, and it was upon that belief that I and others who were for secession advocated that measure. That belief continued throughout the war. When the war ended, and the negroes were set free, that measure was far from diminishing the discontent and dissatisfaction; its tendency was rather to increase it. We, in the South, looked upon the republican party as our enemies, even after the war closed. Their triumph stripped us of our property, mortified our pride, destroyed our favorite construction of the Constitution, and embittered us generally. Our passions, under all these irritating causes, unfitted us to perceive the inevitable, and to avail ourselves of it and utilize it. This was the condition of the people of Alabama generally at the time the reconstruction measures and the fourteenth amendment were proposed; and in the tumult of the passions which then prevailed among the people of Alabama, the fourteenth amendment as well as the reconstruction policy of Congress, was opposed in every way that we considered it lawful to oppose them. When the constitution now in force in Alabama was proposed to the people for ratification at the election in February, 1868, I, in common with most of the white people of Alabama, under the considerations and passions already alluded to, did all that we could to defeat it.

By Mr. BLAIR:

Question. You did defeat it, did you not?

Answer. We did defeat it, according to the law of Congress which was in force at the time of that election. My own belief at that time, as well as that of the people generally, was, that if Congress was determined, after we had so defeated it, to put it upon us as the constitution of the State, no opposition we could make to it by actually voting against it at the election would avail.

Question. Do you believe that under the Constitution of the United States Congress had any authority to impose that constitution upon you?

Answer. I will answer that question directly when I get to that point. Hence the white people generally declined to vote at that election. Before June, 1868, I had become perfectly convinced that Congress was determined to impose that constitution upon us. I then did all that I could to calm my passions and survey the situation as it was; and in that way I came deliberately to the conclusion that Congress was determined to carry out its views in these respects, and that, as it had the power to do so, any further insisting by us upon our view of the matter would be calamitous to the southern people themselves, and highly injurious to the country at large. One side or the other I thought must necessarily yield, and I deemed it my duty as one conquered to yield, in the hope and belief that the greatest good would result from it to the South and the whole country. I announced these views in substance in the democratic convention held at Montgomery in June, 1868, of which convention I was a member, and I advocated the nomination by the democrats of Chief Justice Chase for the presidency, in which proposition I was sustained by the judgment of that wise and patriotic man, Governor Fitzpatrick, of Alabama, who was also a member of the same convention. The convention, however, by an overwhelming majority, decided adversely to these views of myself and Governor Fitzpatrick; and the debate in that convention on the part of those who opposed the views we advocated showed that the passions and hates which had existed at the beginning of the war and at its close were unabated in that State. Having been a member of that convention, and having there publicly advised against the course which was afterwards taken, I felt bound by a pledge which I had made in the convention to abide its action, and continue to act with the democratic organization during that campaign.

By Mr. BUCKLEY:

Question. Did you canvass the State in that presidential election?

Answer. Yes, sir.

Question. On the democratic side?

Answer. Yes, sir. I canvassed the State, and was active, earnest, and zealous in the

attempt to bring success to the democratic nominees in that campaign. We failed. Shortly afterwards I published a letter setting forth my views calmly and deliberately to the people; and in that letter I evinced that my future action would no longer be controlled by the democratic leaders. It was then that I took what is called now "the new departure;" and for doing so at that time I was assailed by the democratic leaders and editors in Alabama with a bitterness never surpassed. Several, however, of the newspapers which then assailed me so bitterly have very recently taken "the new departure."

Question. Is it not the negro suffrage feature of the reconstruction policy of Congress which is one great cause of dissatisfaction?

Answer. That is my belief; I have no doubt of it; and I can give reasons satisfactory to my own mind for that opinion.

Question. Please state the reasons.

Answer. In the democratic convention at Montgomery in June, 1868, when I openly advocated the nomination by the democrats of Chief Justice Chase, he was assailed with great bitterness by the speakers representing the majority in that convention, and mainly because of his views as to negro suffrage and negro rights. It was not even claimed or pretended that Chief Justice Chase had any connection with the fourteenth amendment, or with the reconstruction measures of Congress. But the main ground of assault upon him was, that he was one of the chief men in bringing about negro suffrage.

Question. It has also been stated here in evidence by General Clanton, I believe, and by Governor Lindsay, that the failure on the part of the Government to carry out in good faith the terms of the surrender was a source of great dissatisfaction. Do you concur with them in that view?

Answer. I have heard that mentioned among other causes; but I look upon it as insignificant in its influence compared to these other matters.

Question. To what extent do you think the present troubles of the Southern States grow out of antagonism of race?

Answer. I attribute the troubles of the South to the continued indulgence of the passions that I call the "war passions;" passions engendered during the war and since the war. The leaders will not let the people get cool; they will not let them reason. I think that with all calm and considerate men at the South, men who have become cool, the antagonism of race, if there be such a thing, is not a matter that will give us any trouble in the future. My own opinion is that with our passions conquered, and in the exercise of our calm judgment, and an ordinary amount of patriotism, there is really no antagonism between the races that will produce any evil consequences in the South.

Question. What has been the conduct of the colored people since their enfranchisement?

Answer. In general, it has been good, beyond any expectation which I think any reasonable man could have indulged.

Question. You live in the "black belt" of the State, I believe?

Answer. I do. I think that the southern people, including myself, made a great mistake in not cultivating, immediately upon the close of the war, that same kindly feeling which had ever theretofore existed between the whites and the blacks in the South.

Question. Was that kindly feeling kept up during the war?

Answer. Without abatement.

Question. Do you think, if the course which you indicate had been pursued, that same kindly feeling would have been continued, and would still exist?

Answer. In my opinion nothing but the indulgence of passion to an inordinate extent could have prevented the continuance of that kindly feeling, except perhaps for a very brief period, immediately following the setting free of the colored people.

Question. What effect has the position assumed by the democratic party of the South in opposition to the enfranchisement of the colored people, had upon that class?

Answer. It has had the effect to unite them almost solidly against the democratic party. They really fear, judging from all I hear from them, that democratic success would produce great injury to them, and would very seriously impair the enjoyment of their rights.

Question. Do they look upon opposition to their exercise of the elective franchise as threatening one of their rights?

Answer. Of course they so regard it.

Question. I desire to ask some questions as to the manner of conducting elections in your State. It has been asserted that there is no security in the State of Alabama against illegal voting. Is that your construction of the law?

Answer. We have a statute which does by its letter prohibit the challenging of voters; but I believe all thinking men understand that act to be subject to a reasonable construction, and that the spirit of it really amounts to nothing more than this: that where a challenge is made, it is made simply at the peril of the challenger. If it turns out that the party challenged is not entitled to vote, the person challenging him

is perfectly free from either civil or criminal liability; but if it turns out that the person challenged is a legally-entitled voter, then, under the true construction of the law, as I think, the party challenging, having interfered improperly with the exercise of a legal right, incurs a penalty for doing so. That is the construction which, as a judge, I should feel bound to put on the law, and the construction which I think prevails among those with whom I have conversed on the subject. I hear on both sides allegations of illegal voting, and from the information I get, I think there is and has been illegal voting on both sides. My own belief, from all the information I have had, is that the republicans were the losers in the last election by illegal voting; that there was more of it on the democratic side than there was on the other side.

Question. Were the electors in that State registered?

Answer. Yes, sir.

Question. Under your law are persons registering required to take an oath?

Answer. They are required to take an oath, and are subject to penalties for illegal registration. The registration law is a good one; and there is a good and a safe law about contesting elections. If the law of Alabama is observed no man can be prejudiced except temporarily by illegal voting. The mode of contesting elections is well provided for, and it is ample, except as to elections for executive officers. It is only with reference to these officers, so far as I know, that ample provision is not made by law for contesting the elections.

Question. Do you know Judge Busteed of the United States district court?

Answer. Yes, sir.

Question. Does he live in your State?

Answer. Well, he says he does. I do not think he is there much.

Question. He has stated here that the State auditor made an attempt to disobey an injunction of the district court of the United States for the middle district of Alabama. Do you know anything about that case?

Answer. Yes, sir; I was employed in that suit by the governor on the part of the defense. It was a suit commenced by the Southern Express Company against the auditor of the State, and some others of the revenue officers of the State, to prevent the collection of the taxes imposed upon the express company by the revenue law of Alabama. The allegations in the bill are in substance that the law is not a proper one, is violative of the constitution, and that the assessment itself, as made, was illegal. But there is no special ground of equity stated or pretended in the bill, independent of these alleged illegalities. For instance, it is not pretended that irreparable injury will result to the company from the collection of the tax; nor is it pretended that there will be a multiplicity of suits if the taxes are paid by the company. In an opinion of the Supreme Court of the United States, delivered by Judge Davis at the last term—a unanimous decision of the court in a case from Kansas—it was decided that there was not a particle of equity in such a bill as that which was filed in Judge Busteed's court by the Southern Express Company. These grounds were set forth in behalf of the revenue officers, who were the defendants. During the pendency of the suit the auditor was brought up on a charge of having violated the injunction. Judge Goldthwaite, who was elected by the democrats at the last session to the Senate, was my partner at that time. We both agreed that if there was a contempt by Reynolds, the State auditor, it was the most eminently technical contempt for which any man had ever been held accountable, and that certainly there was no intention of committing a contempt. The answer to the proceeding for contempt disclaimed utterly any such intention. If there was a technical contempt, it resulted from a mere difference of opinion in regard to the construction of the revenue law. The counsel for Reynolds concurred in his construction of it; the judge adopted a different construction. There was no intent to show any contempt to the United States court or its process, or any of its constituted authorities. That was plainly shown. And the Supreme Court of the United States, in the decision to which I have referred, has decided that there is not a particle of equity in such a bill. Judge Busteed, in this case, fined Reynolds $1,000 for contempt, and put him in jail for several days. In addition to this he took occasion in the course of his opinion to make a statement which is utterly false, and for which he has been sued in an action for libel by Reynolds. This action for libel has been before a jury once, and the verdict was prevented by tampering with one of the jurors, by a man who was well known as Judge Busteed's friend, for which interference the judge of that court put Judge Busteed's friend in jail, and also the juror.

Question. I would like to ask you now a few questions in regard to political disabilities. Were you a member of the republican convention which met at Selma last summer?

Answer. Yes, sir.

Question. Did that convention take any action in regard to the removal of political disabilities?

Answer. Yes, sir; it unanimously passed a very strong resolution in favor of the removal of such disabilities; and I know that the general view of the republicans of Alabama is in accordance with that resolution. There are very few republicans of

Alabama who are not earnest advocates of universal amnesty. I have advocated it ever since I acted with the republicans; and it has been a matter of very great regret to me that Congress has not passed a general law removing all such disabilities. I think the republicans have been very much injured by the failure to pass such a law.

Question. I wish to invite your attention to a part of the testimony of Governor Lindsay:

"*Question.* Are not even the colored people of Alabama in favor of the general removal of political disabilities by Congress?

"*Answer.* Yes, sir.

"*Question.* Is that the case with most of the white republicans?

"*Answer.* I do not think it is."

Has the senate of Alabama ever taken any action on this subject?

Answer. Yes, sir. The senate of Alabama, which is still republican, has passed a resolution more than once in favor of universal amnesty, and has memorialized Congress on the subject.

Question. A great deal has been said in the testimony of other witnesses in regard to taxation in the State of Alabama. Do you know whether any money was drawn from the State treasury several months after the surrender for services rendered by State officials before the surrender—during the war?

Answer. I have seen that statement in a public document.

Question. Who received the money?

Answer. I do not recollect all of them. Governor Watts was one who received money in that way. The names of the parties are stated in the report which I saw. I have never heard the statement denied.

Question. In what report did you see it?

Answer. I think it was in Chisolm's report, as comptroller.

By the CHAIRMAN, (Mr. POOL:)

Question. An official report?

Answer. Yes, sir. That report contains a statement showing the name of each man who received money in that way, and the amount received. Governor Smith had the document along with him in the campaign last summer.

By Mr. BUCKLEY:

Question. For what was this money paid?

Answer. For services rendered the State during the war. Governor Watts was governor during the war, and got pay, I think, for that. He had not drawn his salary, I believe, in confederate money; and after the close of the war, and before the reconstruction of the State, he drew his salary in good money. That is what the report states. Judge A. J. Walker, chief justice of the supreme court, is another whom I recollect as having drawn pay under those circumstances.

Question. Do you remember how much money was paid in that way?

Answer. No, sir; I do not recollect. I did not charge my mind with the amount; but it is considerable.

Question. Do you remember how payment was stopped?

Answer. I think Chisolm stopped it; that is my understanding. He was auditor or comptroller at that time.

Question. Do you know whether there was any order issued from any source to stop payment?

Answer. I have understood there was; but I am not certain about it.

By the CHAIRMAN, (Mr. POOL:)

Question. Do you mean to say that those officers had drawn their pay before the close of the war in confederate money?

Answer. No, sir; I say they had not drawn their pay during the war; but after the close of the war they took greenbacks. They could have got their pay in confederate money during the war, but did not do so. The fact has been stated publicly, and I never heard it denied. There are leading democrats involved in the matter. That is what called my attention to it.

By Mr. BUCKLEY:

Question. Are you acquainted with Judge Luther R. Smith?

Answer. Yes, sir.

Question. Have you tried cases before him?

Answer. I have never tried any cases before him; I have conversed a good deal with him; I have conversed considerably with lawyers who have tried cases before him He is a judge in the western part of the State, in which I do not practice. I have not had any law business there since 1866.

Question. It has been stated here that some resolutions have been passed requesting him to resign on account of incompetency. Do you regard him as incompetent?

Answer. I think he is one of the best circuit judges in the State—one of the most competent. I have no doubt on that point.

Question. He is not an active politician?

Answer. I do not know as to that; he lives in a different circuit from mine.

Question. Did you ever know him to take any part in politics?

Answer. He was the presiding officer of the Selma convention; I know of no other instance in which he has taken part in politics.

Question. He was chosen presiding officer of that convention on account of his superior qualifications?

Answer. Undoubtedly that was the cause; and he made one of the best presiding officers I ever saw. His ability in that line is remarkable.

By the CHAIRMAN, (Mr. POOL:)

Question. Why was he requested to resign?

Answer. I have no personal knowledge in the matter; but I have no idea that if he were a democrat any such request would ever have been made. I think it is purely because he is a republican. I know of no other cause.

By Mr. BUCKLEY:

Question. In the testimony taken by the committee some charges have been made against Governor Parsons on the ground that he left the democratic party and joined the republican party for some mercenary purpose. I would like you to state your own reason for abandoning the democratic party and joining the republican party.

Answer. I know for myself that I never took any step or did any act more regretfully than I did that of leaving the democratic party and determining to act with the republican party. I knew the state of public feeling; I had had all those passions myself; I knew what an utter contempt I had entertained for the republicans; and it was the hardest struggle of my life to get myself cool enough and calm enough to look at these great questions which have been disturbing the country, through republican spectacles—that is, to fully appreciate the view the republicans take of such questions—to survey the matter from their standpoint; for I am satisfied if you want to do justice to any man's position, you must look at the question not merely in your own view, but so far as possible in his. It did not occur to me until after a long time that the republicans could be actuated in the course they were pursuing by anything else than hate toward the people of the South. That I knew to be the prevailing view among the white people of Alabama; and I knew that any man who would quit the democrats and take part with the republicans would be, no matter what his motives or what manner of man he might be, hated and despised by a large portion of our white people. I do not know that any man could take a more unpopular and ungracious step, one more dangerous to all his prospects. I took the step under the absolute conviction that it was best for the southern people themselves, whom I love better than I do any other people, that I and all others who had any influence with them should take the republican side and should try to calm the people down and bring about peace in the country. I did not see any other way to peace; I do not believe there is any other. In my own opinion we cannot, as a State, attain peace and prosperity while one-half of the people of the State are continually struggling to deny to the other the right of suffrage.

Judging Governor Parsons by myself, I should say that nothing but an imperative conviction of patriotic duty could have induced him to make the change he did. I do not see how he could have promised himself any gain by it. I know that when I quit the democrats, and concluded to act with the republicans, I considered it as equivalent to resignation for all time of anything in the way of political promotion. I know that personally I have suffered greatly by it—in the breaking of social ties, &c. Even my law partnership with Judge Goldthwaite was broken up in the storm which prevailed at the time of the suit between Governor Smith and Governor Lindsay. Judge Goldthwaite was a candidate for the Senate; and he became perfectly convinced that he could not obtain the votes of the democratic members of the legislature if he remained a partner of mine. No business connection between any two men was ever more pleasant than ours, as he himself said at the time that he desired to dissolve the partnership. I know that no two men ever got along better together in business. There was never anything to disturb our relations, personal or professional. I will state further that I have no bitterness toward any of the democrats—not even those who have treated me the worst; and for this reason: At the close of the war, and for some time afterward, in the frame of mind in which I then was, I would have justified myself to the full in all those things which they are doing now, and which I now condemn. My own conviction was that people who had treated us as the northern people had, did not deserve much to live anyhow, and that if they did live they ought to have hot times, especially if they tried to live in the South. I am satisfied that these democrats are good men, men whom anybody, knowing them well, would like; but their passions have been long indulged about this accumulation of wrongs as they view them; and

when a man has been, as I have been, in the same condition of mind, and understands the feelings that are driving them on, he cannot but feel that he ought not to be bitter toward them. Hence I have been enabled to practice forbearance when they were abusing and maligning me, and offering to me insult and outrage which I could not otherwise have borne.

By the CHAIRMAN, (Mr. POOL:)

Question. Do you know Governor Parsons well?

Answer. I have known him for thirty years. We have had a good deal of business with each other, and I have had much communication with him.

Question. Is he a man of purity of character?

Answer. Well, sir, I do not think any one in Alabama would have any doubt about that. I should unhesitatingly say he is a man of good character.

Question. We have had as witnesses here men of eminence who have stated otherwise.

Answer. I think the general idea concerning Governor Parsons is that he is a very ambitious man; I think so myself: but when you ask me as to his general character, whether it is good or bad, I cannot have any hesitation in saying that his character is undoubtedly good. He has been abused very largely about his political course. He has been on different sides politically as I have myself; and any man who changes his political position in times of high excitement will always makes enemies; that is very certain.

Question. It has been charged before this committee that he changed his politics from mercenary motives—from considerations connected with some claims that he had against the Government?

Answer. Well, I have no knowledge about his having any claims, and I know of no fact or circumstance that would induce me to come to any such conclusion, or would justify that conclusion.

Question. Before he turned republican, did he always maintain before the people of Alabama a character for honor and purity?

Answer. His character has been uniformly good. I wish the committee to understand that I have heard a great many hard things said about him in political contests, but I do not esteem such things as furnishing a just standard by which to form an opinion as to a man's character, for many of the men whom I have heard speak of him harshly and bitterly at one time have exalted and magnified him at another. I know what the law means by a character, and in that view I have no hesitation in saying that Governor Parsons's character is a good one.

Question. Is it not a part of the tactics and principles of democratic politicians in Alabama to abuse and malign, inordinately, any man who is a republican?

Answer. The practice in that respect is unexampled; I have never known anything to equal it. I have resided in Alabama for thirty-three years, and have been connected somehow or other with politics ever since, sometimes quite actively. I was born and raised a democrat, and one of the first things that I did when I went to Alabama was to buy out a whig paper, giving about ten prices for it; and I was for a while an exceeding fierce little editor in a country town. As whigs and democrats people used to abuse each other very fiercely in speeches and newspapers, but such things scarcely ever affected our social relations. It was an unusual thing for social relations to be disturbed by the severe and apparently angry political controversies carried on through the newspapers and on the hustings. But in these latter days, since the war, I notice what I never noticed before, that the estimate of a man is more controlled by his politics than by anything else.

By Mr. BLAIR:

Question. What is the reason of that?

Answer. I have thought much about it, and I think it is caused by this long continued indulgence of passions, accompanied by a conviction that the southern people are the most grossly wronged and outraged people on the face of the earth. That is the honest belief of the white people generally. It is this feeling, doubtless, that makes them so bitter, especially towards a man like myself. I was a nullifier; a States-rights man out and out. I entertained extreme Southern views until I became a republican. At one time I acted with the know-nothings, but I advocated southern rights just as strongly in the know-nothing organization as anywhere else. Now, I think I may say without vanity that I have as many personal friends in Alabama as any man there. In fact, I think my safety and protection in being a republican, and taking the prominent part which I have taken since leaving the democrats, is attributable in a large measure to the personal friendship entertained toward me by democrats, my old political brethren. Mr. Pugh and General Pettus, who, I understand, have been before you, are friends of mine, and our personal relations have continued undisturbed. They are leading men; men of mind and comprehension. They are strong partisans; at least General Pettus is a strong partisan. Mr. Pugh is not so strong, because he has been

pretty much of a republican in his real views, though he has acted with the democrats all the time; and it is interesting to hear him explain why he does so. But I tell you that any man born and raised in the South, who acts with republicans, has a hard road before him.

Question. Does not that arise from the conviction that such a course is an abandonment of a conquered people in the hour of their distress?

Answer. I think in a great measure it is attributable to that; I think that is the view of the southern people; and knowing this, I have borne things which I never could have borne otherwise. I will say that for some time after the war closed I was as bitter as any of them.

Question. I suppose the people of the South are like all other people; they can believe in the sincerity of the motives with which men turn from the stronger side to the weaker; but when the change is connected with some personal gain or advantage it is very hard for them to believe it sincere?

Answer. I have no doubt about that. It is remarkable how much the southern people do misunderstand a great many of the northern people. I understand them now because I have got over my former feelings; but before I became cool I rated a northern man very low; and any southern man who would take part with him I would rate the same way, or, if anything, a little worse. I think the mass of the southern people are in that condition yet.

Question. You assume that you are the cool man, and that everybody else is blinded by passion?

Answer. Of course I do; I think I am right in the assumption.

Question. You are like the one juryman who complained of the obstinacy of his eleven fellow-jurymen?

Answer. I may be that way. It hardly enters the heads of the southern people that the northern view of this question may be conscientiously entertained.

Question. Do you think that putting all the talent and ability of the South under political disabilities is an outrage on your section?

Answer. I did think so; and I will not say that I justify it now. On the contrary, I think the republicans committed a great mistake in adopting that measure. It is my opinion that they were the losers by it. I am satisfied of that fact. I know that the imposition of disabilities has been largely used to the disadvantage of the republican party. I was one of those disabled.

Question. You have had your disabilities removed?

Answer. Not by my request; and it was done a long time after I was a republican.

Question. You were understood to be on their side before you were relieved?

Answer. Yes, sir; that is true; but I want this understood: Several of my republican friends proposed to me to apply for or request a removal of my disabilities, but I declined to do so. I was determined that if I went to my grave with the disabilities on me, it would not swerve me from following those convictions which I knew, through great tribulation, tended to the best interests of the country.

Question. People are not supposed to be operated upon altogether by that which applies personally to themselves; but a patriotic citizen of your State who sees an overbearing conqueror forbidding the people to use the best talent in the State for their government, and who unites himself with the party which does that thing, which places these disabilities upon his State, can hardly expect that his course will be readily appreciated by his fellow-citizens?

Answer. I went to the republicans with my disabilities on me.

Question. And that party placed those disabilities upon you and your people, and refuses to relieve them?

Answer. Well, it is irritating. My opinion is that anything the republicans do which can be used by the able men we have down South, on the democratic side, to keep up excitement and passion, helps the democrats and hurts the republicans. If the southern people could become cool—if these irritating influences could be removed—I think there would be a decided change; and I want to see such a change.

Question. The trouble is that the republican party does not want to encounter here in Congress the ablest men of the South?

Answer. I reckon that is not the cause; for those men can do more against the republican party down there than they could do here. The democrats have as able men who are not under disfranchisement as any who are disqualified in that way.

By Mr. BUCKLEY:

Question. Have not a good many democrats of your State been relieved? Has not Judge Goldthwaite been relieved?

Answer. Yes, sir.

Question. And Governor Lindsay has been relieved?

Answer. Yes, sir.

Question. And Mr. Welborn?

Answer. Yes, sir; a great many of them have been relieved—a considerable propor-

tion of them. Speaking accurately, the class of men under political disabilities in Alabama is not very numerous compared with the whole population.

Question. Has not the republican party in fact advocated for two or three years back a general removal of political disabilities?

Answer. The legislature of Alabama at its very first session, when both branches were overwhelmingly republican, removed every particle of proscription and disfranchisement that there was in the State constitution. That action was one of the softening things which helped them along. When I saw them doing that—when I thought over the matter, I could not but feel that there was more good in this party than I had ever before conceived.

By the CHAIRMAN, (Mr. POOL:)

Question. Are slanders against private character gotten up and indulged in to a considerable extent in Alabama against men who are republicans?

Answer. To a very large extent—unprecedented, in my opinion.

Question. Are there any other persecutions of such men in the way of business or social proscription?

Answer. I believe it, fully; from what I have heard I am satisfied of it.

Question. To what extent?

Answer. It is difficult to use an expression that would show the extent. I should say a considerable extent. Every one can form a reasonable conjecture about the matter from the facts I have already stated—the contempt and disgust which the democrats generally feel toward the republicans. When, in the course of business, we find we feel a contempt and disgust toward one man engaged in business and have no such feeling toward another man right beside him, we are almost sure to go to the man toward whom we have no such feeling.

Question. Have any prosecutions of a malicious character been gotten up in the courts against republicans?

Answer. Well, sir, I cannot say from my own knowledge; but I believe that men of the republican party have been prosecuted for offenses in cases where they would not have been prosecuted if they had been democrats. I can mention the case of the probate judge of Elmore County—Judge Dennis. He has been prosecuted for an assault on a democrat named Young, with intent to commit murder. The case came on for trial at the last term of the circuit court of Autauga County, to which the case had been carried by a change of venue. I understand that every member of the jury was a democrat.

Question. Do you mean the grand jury?

Answer. No, sir; the petit jury that tried the case. I appeared as one of the attorneys for Dennis; and Governor Watts was with me. On the other side were General Clanton and his partner. Dennis was found guilty of an assault with intent to commit murder. It is pretty well known, by people in Alabama, that a conviction for that sort of an offense renders Judge Dennis ineligible to his office. The jury found him guilty; but they afterward brought in to the judge a statement that, in consequence of the great and grievous provocation, they recommended to the judge to be as lenient with him as possible. Now, every one who understands the nature of that offense—an assault with intent to murder—knows that when an act is done from passion, stirred suddenly by a great provocation, the man is relieved altogether of the guilt of an assault with intent to murder. Under our statute the intent to commit murder is an essential element of the offense. The judge so charged; yet the jury found the defendant guilty. But, on the statement submitted by the jury, the judge granted him a new trial; for the statement could not be reconciled with the verdict.

Question. You mean to say that this statement, made by the jury subsequently to the verdict, showed that they knew the man was not in law guilty of the offense?

Answer. I do not say they knew it, because they are very reputable men; but upon the facts stated in their recommendation the law entitled the defendant to an acquittal.

Question. And the judge so charged them?

Answer. The judge told them that to make out the offense of an assault with intent to commit murder, it was essential that it should be proved as a matter of fact that the specific intent to commit murder existed in the mind of the defendant when he fired the pistol. The jury were out a long time—a day or two; and finally they brought in a verdict, and followed it up with that statement.

Question. Who requested Judge Luther R. Smith to resign?

Answer. I think I saw in a newspaper that it was requested by a meeting of the people in the county where he lived; the request may have been made, for aught I know, from other sources.

Question. What reason did they give for that request?

Answer. I forget about that. I read the statement in a newspaper.

Question. Was it a democratic meeting?

Answer. I do not think it professed to be a democratic meeting; but I have no doubt, myself, that those who took part in it were all democrats.

By Mr. BLAIR:

Question. You do not know it?

Answer. No, sir; I do not know it. I know, however, that Judge Smith stands very high with the republicans; I do not know any man who has a better standing with them; and I therefore do not believe you could get up a meeting of republicans anywhere in the State who would request him to resign.

By the CHAIRMAN, (Mr. POOL:)

Question. Is the judge a man of such character and attainments and qualifications for the office he holds as to entitle him to high standing with everybody?

Answer. That is my belief.

Question. Judge Busteed has been a witness before this committee. How does Judge Busteed stand?

Answer. Until he gave out recently certain indications that he was about to become a democrat, I think he had the worst standing of any officer I know with the people generally, and the bar generally, in the middle part of the State where I live. I do not conceive it possible that a judge could have had a worse character than he had. I see that now the democratic papers are beginning to speak more kindly of him. So with Judge J. Q. Smith, the circuit judge whom I have mentioned. He was counted a republican until very recently. When he held court in Mobile a few months ago the democratic papers stated that he had given notice that his connection with the republicans had ceased; and I notice that the democratic papers are now speaking quite kindly of him; but until then his character was detestable and odious with the democrats.

Question. Judge Busteed is the United States district judge of your State?

Answer. Yes, sir.

Question. What was said of him?

Answer. Everything that is criminal in a judge was charged upon him. It was not only stated that he was hectoring and tyrannical and one-sided in his proceedings in court, but that he was venal and corrupt; that he shared the spoils of large cases in which, according to the common belief, the people were plundered of their property through his court.

Question. Was that generally said of him by the democrats?

Answer. I never heard any democrat speak in his favor till recently.

Question. Had they impressed the people with the belief that such was his character?

Answer. Yes, sir. I do not think there was any difference of opinion on that subject, among the democratic lawyers, and those best acquainted with Judge Busteed.

Question. You say that since he has given out indications that he is about to become a democrat there is a change in the manner in which he is spoken of?

Answer. I have not noticed anything except what I have seen in the newspapers. I do not think that our partisan newspapers would undertake to talk that way on their own authority.

Question. What course do the democratic papers pursue towards him now?

Answer. They speak of him as quite a discreet, well-behaved judge. At the last term of Judge Busteed's court at Montgomery, the district attorney presented a copy of the Selma Times, and asked that a writ be issued to the editor of that paper to show cause why he published a very severe article reflecting upon the grand jury, especially its foreman. The editor, on being served with the writ, came before the court, and Judge Busteed discharged him, with an opinion which was published with high commendation by the Advertiser, at Montgomery.

By Mr. BUCKLEY:

Question. A democratic paper?

Answer. A leading democratic paper. I have seen other articles of the same kind in papers of that class. The Mobile Register, I observed, published an article speaking pretty well of J. Q. Smith.

By the CHAIRMAN, (Mr. POOL:)

Question. What had they charged J. Q. Smith with when he was a republican?

Answer. He was the United States district attorney for some time while Judge Busteed was presiding there, directly after the war; and they said he had levied very heavy contributions upon our people, contrary to the intent and spirit of the law, and often its letter. They said he was a most gouging man.

Question. Corrupt?

Answer. Corrupt and unconscientious: and he was removed from office, as I understood, on that charge.

Question. You say that now, since he has indicated that he has become a democrat, the tone of those papers has changed toward him?

Answer. Yes, sir. They commenced softening toward him when he came up from Selma and took charge of that proceeding to make Governor Smith hand over the

papers and books of his office to Governor Lindsay. It is since then that he has held court in Mobile; and I saw a statement in the papers that he had given some kind of a formal announcement that his connection with the republican party had ceased. I do not know whether it is true.

By Mr. BLAIR:

Question. How do the radical papers speak of you since you went over to their side?

Answer. Pretty well.

Question. They now begin to find out that you are a clever fellow?

Answer. Yes, sir.

Question. They did not discover it before?

Answer. Well, they were not very severe upon me before, except politically. I am not now speaking of political opposition. I draw a distinction between political and personal opposition. I was very severe and abusive toward them, and it struck me that there was a striking contrast between their handling of me and my handling of them. They treated me much better than I treated them when I was fighting them as hard as I could.

By the CHAIRMAN, (Mr. POOL:)

Question. What has been the course of the republicans toward the democrats? Has it been of the same abusive character?

Answer. O, no; there is a marked difference, as any one can see by reading the newspapers.

Question. How is it outside of the newspapers?

Answer. The newspapers afford a pretty fair indication of the difference outside of the newspapers.

Question. Is one party more abusive toward the other than was the case before the war?

Answer. I think that if there is any difference the republican papers are less bitter than they were then. The leading paper at Montgomery especially would have been counted extraordinarily mild toward its political opponents before the war if it had been no more severe in its tone than it is now. It is a paper of unusual fairness and liberality toward its political opponents.

Question. You see a marked difference, then, in that respect in the manner in which the leading men of the two parties act?

Answer. Yes, sir; that is the result of my observation and judgment.

Question. Do you find that republicans attack the private character of leading democrats?

Answer. Not in a single instance that I know of, except upon facts too plain to be doubted or refuted.

Question. They do not engage in petty slander and gossip?

Answer. No, sir; they do not. There are three republican papers in the State that I see frequently—one published at Mobile, one at Huntsville, and one at Montgomery. I have already remarked that I consider the paper published at Montgomery as remarkably fair and just toward its political opponents in times of party excitement. I can say the same of the Huntsville paper.

Question. Did you notice that fact when you were an earnest and zealous democrat?

Answer. When I was a democrat it was conducted by a different man.

Question. I am inquiring as to the general tone of the republican papers?

Answer. I noticed then that the republican papers, when I was making all the war that I could against the republicans, were nothing like as bitter toward me as I was toward them.

Question. You were once chief justice of Alabama?

Answer. Yes, sir.

Question. When?

Answer. I went on the bench of the supreme court in the beginning of 1855; I had not been on the bench long before I became chief justice, which office I continued to hold until I resigned it in the early part of the year 1859.

Question. You were elected to that bench by the democrats of the State?

Answer. Yes, sir. I was born and raised a democrat, and gave my first vote for Van Buren.

Question. Why was the presence of Governor Smith required in court on the occasion to which you have referred?

Answer. I know of no reason, and none was assigned by the judge. I made the point before him that he had no right to require the personal appearance of Governor Smith. I will state how the question came up. The time allowed Governor Smith to answer was unprecedentedly short; I think that Governor Smith told me it was near 11 o'clock in the forenoon when notice was served on him that that afternoon at 3 o'clock he must appear and answer to this statutory proceeding.

Question. Did you call the judge's attention to the fact that he had no right to require the personal presence of Governor Smith?

Answer. I did. The paper served on us was not a copy of the complaint; it was merely the summons. No copy of the complaint was furnished to us. The governor called my attention to the summons as soon as it was served. We sent the sheriff of the county to the judge to get a copy of the complaint, so that we might prepare our answer. The sheriff saw the judge, who stated, as the sheriff reported to us, that Judge Brooks, one of the counsel for Lindsay, had the complaint in his possession. We did not know what was in it.

Question. They had not even served you with a copy of the complaint?

Answer. No, sir; and neither myself nor Governor Smith ever saw a copy of it till after the hour for the hearing arrived, when Judge Smith went on the bench, called the sheriff to him, and handed to him from the bench a copy of the complaint. The sheriff served it on me there. I got up and asked for a continuance, stating the facts I have stated to you. I said, "Your honor knows that the sheriff was after you to get a copy of the complaint and did not get it, but you referred him to Judge Brooks. Judge Brooks says we did not get it from him; and we have had no opportunity to see the complaint. We now obtain it for the first time. I ask for a continuance." He said he would not grant it, but would allow me thirty minutes to have the governor personally present in court. I stated that he had no right to require the governor's presence in court. He said he would not allow us time, but would go right ahead with the case unless I would have the governor there in court in thirty minutes. I went to the capitol, and he came down with me. We, of course, had no answer prepared. A demurrer was partly written out. I stated my objections to the jurisdiction on the face of the complaint, while my associate was preparing the demurrer; and while he was arguing the demurrer, I wrote the answer. I am satisfied that, if we had not taken up time in that way by speaking, we would have had no opportunity to file either an answer or a demurrer.

Question. You had to consume the time of the court by speaking, in order to get time to prepare a demurrer and an answer?

Answer. Yes, sir.

Question. Did you ever know a court to require the personal appearance of a defendant in a civil suit except on an action for contempt?

Answer. No, sir; neither before nor since.

Question. Was there any allegation of contempt in this case?

Answer. No, sir.

Question. What reason did the judge give for insisting on the personal presence of Governor Smith?

Answer. He did not give any. I wanted to know the reason, but could not find out any.

Question. Was there a high state of excitement there at that time?

Answer. It was terrible. It was the highest state of excitement I ever saw in my life.

Question. Which party manifested excitement?

Answer. Well, the democrats, of course.

Question. Was there any excitement among the republicans?

Answer. There was that excitement which is the result of a knowledge and an inspection of excitement on the other side. When I went into the court-house at the time of the hearing I went alone; the other counsel for Governor Smith were not along when I first went in. There was a large crowd in the court-house; and of course there were some republicans, but the largest part of the crowd that I knew were democrats. And I noticed one thing that I never noticed before, a crowd of men—nearly all of them young men—occupied at the first session of the court, the part of the court-house nearly behind me. Then at the session after the expiration of the thirty minutes, I noticed that they were there again; and they remained there. They were strangers to me. I did not know a solitary one of them.

Question. How many of them were there?

Answer. I should suppose there were not less than thirty; they were apparently in a compact body.

Question. You saw this compact body of strange young men?

Answer. Yes, sir. Every one of them was a stranger to me. That is what arrested my attention.

Question. They occupied that portion of the court-room just behind you?

Answer. Yes, sir.

Question. And when you went into the court-room after the expiration of the thirty minutes' recess, you observed the same thing?

Answer. Yes, sir.

Question. The same body of men?

Answer. Yes, sir; the same faces.

Question. And they occupied places behind you?

Answer. Yes, sir.

Question. Were they armed?

Answer. I do not know; I did not see any arms.

Question. Have you learned since where they came from?

Answer. No, sir. I afterwards asked several persons whether they noticed it. Some did and some did not. Those who said they noticed it, said that the young men were strangers to them.

Question. Is it your impression that those people belonged to any organization that had come to take part in that controversy?

Answer. Well, it certainly was a very remarkable thing.

Question. What was the impression in the community?

Answer. I do not know. I did not talk with enough to get the impression of the community. My own impression was that they were there from the interest they felt or intended to take in that particular case.

Question. Were there manifestations of threatened violence?

Answer. No other than that these young men were evidently in a position to do what they might have desired. I had my own idea about it; but that was all. I had nothing to go upon but the remarkable fact of a collection of young men of that number all huddled together in one particular place in the court-house, with not a single face that I had ever seen before, so far as I know or believe, and that they should have maintained that position steadily.

By Mr. BUCKLEY:

Question. Have you been living in that county a long time?

Answer. I removed there in 1852, and have been living there ever since

By the CHAIRMAN, (Mr. POOL:)

Question. You know generally the citizens of that community?

Answer. I know them well.

Question. You think that these men did not belong there?

Answer. I am satisfied that they did not live in that community.

Question. Were there manifestations of threatened violence generally about the city in connection with this matter?

Answer. For several days the governor had the military, and the sheriff and his posse, guarding his office at the capitol.

By Mr. BUCKLEY:

Question. Did the military go at the request of the sheriff as the sheriff's posse?

Answer. Yes, sir. I understood the sheriff took them down himself. There was an apprehension that possession would be taken of the governor's office by force or violence.

Question. From the manifestations you saw do you think the apprehension was well founded?

Answer. My own opinion, as I stated it to the governor, was that there were very good grounds for apprehending violence. I founded this opinion on the appearance and demeanor of men and the presence of strangers, a good many of them young men, who were not there on any business that I could imagine. There was, perhaps, a meeting of the Masonic lodge or some other public assemblage in Montgomery at that time. But I belong to the Masons myself; and I am pretty well convinced that those men did not come there to attend to that business

By the CHAIRMAN, (Mr. POOL.)

Question. You mean that the manifestations you saw were not connected with any public assemblage at Montgomery at that time?

Answer. I think they were not. I saw things there that did not have any appropriate connection with any of those public assemblages; and those men I never saw after that case was compromised.

Question. Was it under these circumstances, while these men occupied seats behind you, that the personal presence of Governor Smith in the court was peremptorily demanded by the judge?

Answer. Yes, sir. They were there when that demand was made in that way.

Question. Did the governor appear in court?

Answer. Yes, sir. I went to the capitol and told the governor to come down and face the music.

Question. He was brought into court?

Answer, I went in with him.

Question. Do you believe that the governor was under any apprehensions of personal violence during this contest?

Answer. I think he was.

Question. Do you think those apprehensions were well founded?

Answer. I thought that he had grounds for apprehending violence. I am satisfied he had.

Question. Suppose he had continued the contest, and had held on to the office by virtue of the injunction?

Answer. My belief is that if there had been a decision in that suit in favor of Governor Smith, or if he had held on to the office, there would have been violence. That is only my belief; and I may be mistaken.

Question. You drew that conclusion from what you saw and heard on the occasion?

Answer. Yes, sir. More from what I observed than from what I heard. I noticed the movements of men. I noticed that men, between whom and myself there had never been the slightest unkindness, went by me in the street without noticing me, or would scowl at me, swelled, as it were, with rage or other passion. As I have already stated, I did not commence that suit; I was not in Montgomery when it was commenced. When I arrived in Montgomery I had no more knowledge of its having been commenced, or of the contents of the bill, than any gentleman of this committee.

Question. All that the governor asked was a fair contest and hearing?

Answer. His appeal was to the law in the regular, usual, and, in my opinion, justifiable form.

Question. Was that refused to him?

Answer. He filed his bill for an injunction——

Question. I mean was it practically refused? Had he any opportunity for contest?

Answer. No, sir; and he could have no opportunity for contesting the election until the legislature had passed a law on the subject. I have heard the idea suggested that under the constitutional provision which has been read a contest for the office of governor is properly triable before a joint convention of the two houses, and that all they have to do is to make rules as they go along. But any man who will read the provision of our constitution will see that that construction is entirely untenable, for the words are, "in such manner as may be prescribed by law." A law cannot be passed by a joint convention. Under our constitution a law must be passed by the two houses, each acting separately and for itself; and then it must go to the governor for his approval or disapproval. No law can be passed in Alabama unless it is sent to the governor, with an opportunity on his part to approve or disapprove it.

Question. Did Governor Smith abandon that contest and resign the office to Mr. Lindsay under the pressure of these manifestations of violence and to secure the public peace?

Answer. I am satisfied that the manifestation of violence had some effect on him; that, in connection with the firm conviction that his continuance in the assertion of his rights, though in a lawful and peaceful manner, would result in violence and in great injury to the material interests of the State, induced the course which he took.

Question. Do you think the views which operated upon Governor Smith in abandoning the contest were well founded in fact?

Answer. In every particular. I think he was right as to the apprehension of violence, and that he was right in his apprehension as to the exceedingly damaging consequences to the business interests of the State if he should continue the contest.

Question. Do you believe that Judge J. Q. Smith's unauthorized order for his presence in court was made with the intent to intimidate him?

Answer. I think that Judge J. Q. Smith required the governor to come into court in order that when he gave judgment against him he might order him committed to custody until other people could go to the capitol, get possession of the governor's rooms, and turn them over to Mr. Lindsay; in that way preventing Governor Smith from appealing to the revising power in time to prevent his actual dispossession—before he could make out the necessary papers and invoke the revisory action of another tribunal.

Question. Would the judge have had any lawful power to imprison Governor Smith?

Answer. In such a case the judge is authorized in a certain contingency to issue a warrant. One section of the statute to which I have already referred provides that—

"If the person complained against does not make such affidavit, and it appears that any such books, papers, or property are withheld, the officer before whom the proceedings are had must, by warrant, commit the person so withholding to the jail of the county, there to remain until he delivers such books, papers, and property, or is otherwise discharged by law."

My idea was that the judge intended to decide the case against Governor Smith, and at the time he announced his decision to have a warrant prepared to put him in immediate custody, and send him to jail under that warrant, while others would go to the capitol and take possession of the office, thus depriving Governor Smith of the opportunity to supersede the effect of the decision until the revising tribunal, the supreme court, should pass upon the question.

Question. That is, depriving Governor Smith of the opportunity of appealing, of suing out a *certiorari* or writ of error?

Answer. We had prepared a *certiorari*, and the judge to whom we proposed to apply for the writ was in the city of Montgomery; but I told the governor, and I think he agreed with me in the opinion, "You see this case is going against you, and my opinion is that before we can get to the judge to obtain a *certiorari* the warrant will be signed, and you will be sent off to jail."

Question. You think, then, that Judge Smith was lending himself to this effort to get violent possession of the office?

Answer. He was an enemy of Governor Smith before.

Question. Was he a personal enemy of Governor Smith?

Answer. That is my understanding. Governor Smith had taken part, it was understood, in recommending the removal of Judge J. Q. Smith from the office of district attorney, for his improper conduct in that office.

Question. Was that the same J. Q. Smith?

Answer. The very same. He had been district attorney, and Governor Smith had used his whole official influence to get him removed.

Question. Do you think there is another judge in Alabama who would have lent himself to such a proceeding as Judge Smith did on that occasion?

Answer. I do not.

Question. You say he was holding court in a distant part of the circuit, and they sent for him and brought him there?

Answer. He was holding court at Selma, forty or fifty miles distant. I do not say they sent for him. The principal lawyers who managed the case—Judge Pettus, Judge Brooks, and General John T. Moore—were Selma lawyers, who were attending Judge J. Q. Smith's court where he was then holding it. These lawyers came up about the time Judge J. Q. Smith did, and Judge Brooks was the very man who had the complaint in his possession. When Governor Smith was served with the summons he sent to Judge J. Q. Smith to obtain the complaint, and was answered that Judge Brooks had it. Those three gentlemen lived in Selma, but there were some Montgomery lawyers associated with them.

Question. Judge J. Q. Smith was not the judge who really had jurisdiction of the case?

Answer. My interpretation of the law—and I do not think it can be doubted by any one who reads the statute—is that such a proceeding must be instituted in the county where the person refusing to deliver over the books and papers resides; in other words, it was necessary, in my opinion, that the case should have been brought before the judge of the circuit in which was the county in which Governor Smith resided. It was not alleged in the complaint that he resided anywhere.

Question. There was not enough on the face of the papers to give the judge jurisdiction?

Answer. You know that the established rule in regard to summary proceedings unknown to the common law and authorized by statute is that every fact essential to the jurisdiction of the court must appear upon the face of the papers.

Question. And there was nothing on the face of the papers authorizing Judge Smith to take jurisdiction of the case?

Answer. No, sir; he had no more jurisdiction upon the complaint on which he acted than a private citizen would have had.

Question. Did you bring it to the attention of the judge as a matter of fact that Governor Smith did not reside in that county?

Answer. I stated it to him distinctly; he knew it as well as I did. All the lawyers knew that Governor Smith never pretended to reside in Montgomery at all; he was a well-known citizen of Randolph.

Question. You say that the speaker of the senate, while the injunction was in full force, proceeded to disregard it, to act in violation of it?

Answer. Yes, sir; and under the circumstances I stated. On the day fixed for the opening of the returns before the two houses the then president of the senate, who was named Barr, went with the Senate into the hall of the house, and there opened and counted the returns for lieutenant governor, and declared that election. He declared E. H. Moran elected lieutenant governor. He also opened and counted the returns for the office of the secretary of state. Mr. Parker was declared elected to that office. He also opened the returns for the office of superintendent of education and declared the election of Mr. Hodgson to that office. But he had been enjoined beforehand not to open the returns for the election of governor and State treasurer. He obeyed the injunction, stating in the presence of both houses that the injunction had been served on him and that he felt bound to obey it. After the returns of the other officers had been opened, and when he had made that statement, he retired with the senate to the senate chamber, and the senate thereupon instantly adjourned. After the senate had adjourned, E. H. Moran, who had been declared lieutenant governor, and who by the constitution became presiding officer of the senate, went into the hall of the house and took the speaker's stand.

Question. Without being sworn in?

Answer. He was sworn in by a circuit judge, not in the presence of the two bodies. As soon as he was sworn in he went into the hall of the house, took the speaker's chair, and sent for the returns in the office of the secretary of state. They were brought up, and he opened them there in the presence of the house, after the adjournment of the senate, and declared Lindsay elected governor. In my opinion, there never was a more lawless proceeding.

Question. Was he not sworn to obey the constitution of the State?

Answer. I suppose he was.

Question. He was required to take such an oath before entering upon the office?

Answer. Yes, sir; that oath is prescribed by the constitution.

Question. Does not the constitution of your State expressly declare that the counting of the votes shall take place in the presence of a majority of the general assembly?

Answer. Yes, sir; the constitution provides that the returns shall be opened and published "in the presence of a majority of the members of the general assembly."

Question. And there was not such a majority present?

Answer. I do not say that there was not a majority of the members, because sixty-seven constituted a majority of the members of both houses; but you will notice that although the provision speaks of "a majority of the members," it says, "a majority of the members of the general assembly." What is the "general assembly?" The general assembly of Alabama is a majority of each house; it takes the two houses to make the general assembly. The house by itself is no general assembly; the senate by itself is no general assembly. The constitution declares that nothing less than a majority of either shall constitute a quorum to do business. The senate consists of thirty-three members, and the house of one hundred; and it takes an actual majority of the senate and an actual majority of the house to constitute a general assembly. So that the provision I have read means the same as if the language were, "in the presence of a majority of the members of each house." It could not mean anything less. This proceeding on the part of the lieutenant governor was taken after the actual adjournment of one of the houses.

Question. The general assembly, then, was not in session?

Answer. No, sir; only the house was in session; the general assembly was not in session.

Question. Did this counting take place in the senate chamber?

Answer. No, sir; the lieutenant governor went to the hall of the house. By the constitution he is made the presiding officer of the senate, and under the constitution he has no rights as such officer, except when he goes with the senate, and as its presiding officer.

Question. After the senate adjourned he went into the house?

Answer. Yes, sir; he went into the house, and up to the speaker's table.

Question. Do you suppose that this swift proceeding of his was because he feared that an injunction might be served upon him if he delayed?

Answer. I think it was likely; I think it arose probably in part from that, but more from the fact that they were determined to put Lindsay in office as governor, law or no law. I do not think they had any idea of obeying any injunction or any law that stood in the way of carrying out their purpose.

By Mr. BLAIR:

Question. Would the senate, constituted as it was, have had a right, by remaining out, to defeat the inauguration of a governor fairly elected?

Answer. I do not think they would; I think there would have been a remedy in case of their refusal.

Question. What would have been the remedy?

Answer. The remedy, I presume, would have been for the house, in the first place, to have invited the senate to come; in case the senate would not come, then the house, when they found the senate in session, the presiding officer of the senate being on their side, could just have marched into the senate chamber. The constitution does not say whether the returns shall be opened in one chamber or the other; the language is, "In the presence of a majority of the members of the general assembly." If the senate would not come over to the hall of the house, what was to hinder the house from saying, "We will go over to the senate. We have a man friendly to us as presiding officer of that body; and as soon as both houses are present, he will open the returns and announce the result."

Question. Suppose the senators had been sharp enough to anticipate that trick, and had adjourned and left their chamber?

Answer. If it had come to a question of sharpness, it looks to me as if the one hundred members of the house, situated as the house were, ought to have been sharp enough to accomplish their purpose. The house meets on one side of the capitol, and the senate on the other; the only entrance is on the same floor; the two houses being separated by a rotunda that is not much larger than this room. If it had come to a trial of tactics of that sort, there would have been no difficulty in the house cornering the senate and keeping them cornered until the thing had been done. If I had belonged to the democratic side, that is the way I would have done it.

Question. Suppose that the senate, as a body, had adjourned absolutely. It would then have made no difference whether the members of the senate were there or in Washington, or anywhere else?

Answer. That is not supposable. Under our constitution neither house can, without the consent of the other, adjourn for longer than three days.

Question. What I say is, suppose that the senate had heard that the members of the house were coming, and had adjourned, the mere presence of the members of the senate after the body had adjourned would not have been sufficient?

Answer. In answer to that, I would ask you, how could the senate hear it? The house, with a strong democratic majority, could have passed a motion to adjourn as quickly as I could snap my fingers.

By the CHAIRMAN, (Mr. POOL:)

Question. There was no manifestation on the part of the senate of a disposition to do anything to circumvent the law in that matter?

Answer. No, sir. The senate and its presiding officer, until the newly elected lieutenant governor came in, acted in strict obedience to the injunction, and as law-abiding citizens; there was no secrecy about their proceedings; they went in and participated in counting the votes for all the officers except those two with reference to whom the injunction had been served. The president of the senate announced to the two houses that an injunction had been served on him, notifying him not to open the returns for governor and State treasurer, that he would obey the injunction, and decline to count those votes. Having opened and counted the returns of the other officers, he retired.

Question. Was there any need of that hot haste evinced by the lieutenant governor? Could it subserve any purpose except to evade the decision of the court?

Answer. It could serve no purpose, so far as I know, but to break the force of the injunction. There was no need of the hot haste and irregular manner in which the lieutenant governor and the house proceeded. The pretense was, that it was the last day of the week. The constitution declares that the returns shall be opened and published "during the first week of the session." This was Saturday, and they said they had to do it on that day. But, as every lawyer knows, the designation of the first week of the session is merely directory. If it had been done the second or the third week of the session, it would have been just as good.

Question. Under all the rules of construction practiced by the courts, is it not held that such provisions in a constitution or law are merely directory?

Answer. Of course, the power does not depart because the time has elapsed. The courts have made a distinction between what is directory and what is obligatory; and I take it that any lawyer of ordinary sense would admit that the opening and publishing of the returns would have been just as valid the second week of the session as the first.

Question. Under all these circumstances, is Governor Lindsay now governor of the State of Alabama under even the forms of law?

Answer. Well, sir, he is governor by the process I have spoken of—the palpable, plain, defiant breach of the injunction; and I understand all the decisions on this subject to declare that an act done contrary to an injunction is an unlawful act and void. I recollect one case upon the subject, which I hunted up in 5 Munford's Reports. And the injunction is just as binding upon other parties who have notice as it is upon those who are actually parties to the bill.

Question. Is, then, Governor Lindsay governor of the State under even the forms of law; were not the forms of law violated in the publication of the votes, &c.?

Answer. If you mean to ask me whether he is governor *de jure*, I say that of course I do not consider any man governor *de jure* who has obtained an essential part of his title to the office by a breach of an injunction.

Question. The counting of the votes was not under the forms of law?

Answer. No, sir, it was not.

Question. And the announcement of the election was not under the forms of law?

Answer. No, sir; it was against law.

Question. And against the form prescribed in the constitution?

Answer. Certainly.

Question. I put to you, then, the question whether, under the forms of law, Mr. Lindsay is the governor of Alabama?

Answer. I think not; and in saying so I refer to the facts which I have stated.

Question. I understood you to say that the retiring speaker of the senate announced in the presence of the lieutenant governor elect that such an injunction had been served?

Answer. He did.

Question. That brought the existence of such an injunction to the attention of the lieutenant governor?

Answer. O, no doubt he knew of it.

Question. Was not, then, the incoming lieutenant governor as much bound by that injunction as the officer who was going out?

Answer. I understand all the authorities to be that way.

Question. The lieutenant governor was the successor in office of Mr. Barr, the presiding officer of the senate?

Answer. Yes, sir; and he had actual notice of the injunction. Barr was not enjoined as an individual, but as the presiding officer of the senate. The injunction, when made known to the lieutenant governor, was as binding on him as on his predecessor, Barr.

By Mr. BLAIR:

Question. What is the result, under your law, if any person served with an injunction disobeys it?

Answer. It is a contempt, and he is put in jail and fined.

Question. Why did they not put this man in jail?

Answer. Had there been an honest judge left in the State that would have been done, if the case had not been compromised between Governor Smith and Mr. Lindsay. There was never a plainer contempt on the face of the earth.

By the CHAIRMAN, (Mr. POOL:)

Question. Then Governor Lindsay is governor of the State not only against the forms of law, but he was made governor in direct disobedience of an injunction of one of your supreme court judges?

Answer. Yes, sir.

Question. The officer who made the count and declared him elected governor was violating the injunction?

Answer. He was.

Question. Was Lindsay elected governor upon a fair count of the votes?

Answer. From the best information I have I do not believe he was. From the best information I have been able to obtain I believe that Governor Smith was legally elected.

Question. Now, I ask this further question: was Governor Smith, by the action of the lieutenant governor in opening and publishing the returns at that time, denied any opportunity of contesting the election?

Answer. It was not by the simple action of the presiding officer that the opportunity to contest was cut off. It was by the failure of the general assembly to pass a law prescribing the manner in which a contest should be made.

Question. But if they should pass such a law now there could be no such contest?

Answer. Yes, sir; I take it that Governor Smith could contest even now if the necessary law were passed.

Question. For the time being he was cut off from any opportunity to contest?

Answer. He was.

Question. And by the means of the opening and publication of the returns at that time the *prima facie* case was given to Governor Lindsay?

Answer. Yes, sir.

Question. You say that even now a contest might be made if the legislature would pass the necessary act?

Answer. Yes, sir.

Question. Has the legislature passed an act upon the subject of contests in such cases?

Answer. No, sir, it has not.

Question. The passions and hates of which you spoke as having been engendered at the commencement of the war and subsisting at its termination have not yet abated in Alabama?

Answer. With too many people I am satisfied they are not abated at all; with a large number I think they are diminished in force. I think that these "new departure" men—I mean the latest edition of the "new departure"—are cooler. I do not think they could or would countenance this "new departure" if it were not that their passions are becoming cooler.

Question. You think that this cooling of their passions has not been until since the "new departure?"

Answer. I think not.

Question. You have heard of Ku-Klux outrages in different parts of the State—outrages by men in disguise?

Answer. I have heard of them in several portions of the State, not in many parts. I do not think that this Ku-Klux organization, or this lawless organization, whatever name you may call it, exists in many counties of the State; but it does in a few. A large part of the State, I believe, is free from it, and can get along very well.

Question. Do you suppose that organization is political in its character?

Answer. I have no idea that it is anything else than political.

Question. Does it operate in the interest of the democratic party?

Answer. Always, so far as I have heard.

Question. You believe it was through the instrumentality of that organization that Lindsay's vote was large enough for him and his friends to make this demonstration of which you have spoken?

Answer. Yes, sir.

Question. Do you think that the organization grew out of the passion and hate of which you spoke?

Answer. I have no doubt of it. I will say further that from the best information I have, there are in the organization respectable, clever men, men who, aside from this, would be counted as first-class men anywhere. What I mean to say is, that I am satisfied the organization is not confined to any low order of people. I believe that good men—men in every other respect free from objection—belong to it.

Question. Do you think the object of that organization is to annul practically that feature of the reconstruction policy which gives to the colored men the free exercise of the right of suffrage?

Answer. I think so.

Question. Do you think that is the main object?

Answer. I think that is certainly one of their leading objects. You may group the whole matter, I think, by saying that the object is to deprive the republican party not only of political rule, but of any force or respectability in the State.

Question. Have the operations of this organization practically annulled, in some localities of the State, the free exercise of the right of suffrage by colored men?

Answer. From what I have heard colored men say, I am satisfied that a good many of them have absolutely abstained from the exercise of the right because they were afraid of the violence threatened by such organizations.

Question. They are afraid of this Ku-Klux organization?

Answer. Yes, sir.

Question. If there is any other fact you desire to state in regard to this organization, or any other matter connected with this subject, state it in a general way.

Answer. Nothing else occurs to me.

By Mr. BUCKLEY:

Question. Do you think there is any way for the two races to live peaceably together in Alabama except upon the basis of complete civil and political equality in the eyes of the law?

Answer. No, sir, I do not; and I believe it is the interest of both races that we should live in that way. I think we shall be mutual helps to each other. One remark I may as well make in this connection: You asked me a while ago about taxes. I have heard a great deal said about the republican legislature, its extravagance, corruptions, and all that. My belief about that matter is that if you offset against that charge all that the republican administration of the State of Alabama has accomplished, you will find that these benefits to the State will much more than counterbalance everything that can be said on the other side.

Question. Do you, in that remark, refer to the prospective liabilities of the State incurred by indorsement of railroad bonds, &c.?

Answer. Yes, sir. Alabama is naturally one of the richest, if not the very richest, State in the Union, according to all the testimony of men who profess to be thoroughly acquainted with minerals and the value of minerals. Before the republicans had power in Alabama we had nothing like a system of railroads. We had but a small number of railroads, comparatively speaking, and nothing like a railroad system—in other words, nothing which contributed toward the development of the mineral wealth of the State, which is not far from the territorial center of the State. The republicans, when they entered upon the State administration in the summer of 1868, found no money in the treasury, as I understand and believe. All they had to go on was the credit of the State. State bonds at that time were very greatly depreciated. The white people of the State were generally arrayed against the republicans; and I believe a good many of the white people did not believe the republicans could run the government; they believed that the State credit would depreciate still more on the accession of a republican administration. Yet, going into power in the State, without money and with nothing but this depreciated State credit, the republicans have caused an unprecedented amount of railroad to be constructed. The railroad system which has been inaugurated is one of the most perfect and complete to be found in any State in the Union. One of the main trunk lines has been completed—the Stanton road—from Chattanooga, Tennessee, through the heart of the mineral region of our State, and through one of its richest agricultural regions, to Meridian. The other main trunk line is to extend from Montgomery to Decatur, through the mountains, which abound in coal and other minerals, which heretofore have been useless, and would always have remained so without railroads. These two grand trunk lines cross each other near the heart of the mineral region of the State. One is already completed; the completion of the other is insured within less than a year, according to the best authorities.

By Mr. BLAIR:

Question. Are you connected with either of those roads?

Answer. I have a small amount of interest in the one which is not completed—the South and North Alabama Railroad. My interest in the road is very small—inconsiderable.

Question. I suppose the whole amount owned by private stockholders is inconsiderable; I presume the State aid really constructed the road?

Answer. I am a stockholder to the extent of only a few shares in this South and North Alabama Railroad. I would be willing to relinquish any day my interest as a stockholder. The stock will never be worth anything to me; but the road is valuable for State development. With this system of railroads, which will shortly be completed, the State will be in a far better condition for paying the increased liabilities which it is claimed have been created, than it would have been to pay the old debt in the undeveloped condition of the State.

Question. What was the old debt?

Answer. Three, or four, or five millions.

Question. If all these roads entitled to State aid are constructed, will it not amount to over forty millions?

Answer. From thirty to forty millions, as I understand.

By Mr. BUCKLEY:

Question. Is not the interest of the State in those roads secured?

Answer. The State has a first-mortgage lien on the property of all the roads aided; that is the reason why I say I do not count the stock as worth anything to the stockholder.

By Mr. BLAIR:

Question. Did you ever hear of an instance in which one of these first mortgages against a railroad has been enforced in any State of this Union?

Answer. I think they have enforced them in Tennessee to the whole extent of the property; but I understand that in the case of the Tennessee roads there was a loss to the State, because the roads were destroyed during the war, and because of the depreciation of confederate money. I have heard Tennessee railroad men say that had the confederacy succeeded and confederate money turned out to be valuable, the railroads would have been richer than they ever were. But the roads turned pretty much everything they had into confederate money; they had piles of that when the war closed; but that, of course, had become valueless. Besides that the roads were damaged by the army. In that way the State of Tennessee lost, when otherwise it would not have done so. There is, in my judgment, no reasonable probability that in any contingency which can occur the State of Alabama can possibly lose, in the way of liabilities assumed to aid railroads, anything that will at all be entitled to offset the lasting gains that will be acquired by the development of our wealth and power resulting from these enterprises. Alabama without railroads would have been in an awfully bad condition to pay even the comparatively little debt that before existed.

Question. Of course Alabama was not entirely without railroads?

Answer. Not entirely; but she had nothing like a railroad system. There was not a particle of railroad at the right place—in the mineral region. The roads which had been built had been constructed on other considerations than State development. Governor Lindsay has now actually taken possession of one road under a first mortgage; so that you will have in Alabama, if you have never had anywhere before, a case of enforcing a first mortgage against a railroad by taking actual possession on the part of the State.

By Mr. BUCKLEY:

Question. Did not all the democratic members of the legislature vote for the Stanton bill; was not that bill supported irrespective of party?

Answer. There was but one democrat in the senate; and he was a strong advocate of it.

Question. Who drew that bill?

Answer. One of the leading democrats in the State—my successor in the office of chief justice—A. J. Walker. The bill had very strong democratic backing. Walker was chief justice after I left the bench until he was pushed out by reconstruction.

By Mr. BLAIR:

Question. A question was asked you with regard to the administration of justice in your State, and you said there was a class of cases in which politics mingled, and in which it was difficult to administer justice.

Answer. Yes, sir.

Question. Has not that always been the case?

Answer. I think that to some extent it has always been the case.

Question. Everywhere in the world, so far as you have heard?

Answer. Well, wherever I have been I think it has been so.

Question. There is a great deal of human nature in mankind?

Answer. There is more of that sort of human nature now, because there is more violence now than ever before.

Question. The political convictions of men are like all other convictions, and always have a great influence, of course, in governing their determinations and actions?

Answer. Yes, sir; that is my judgment, from what I have observed.

Question. You said that in the last canvass in your State the democrats in your section had their able men, and addressed themselves, by every legitimate means, to the people, and yet failed to make any impression; that the radicals rather increased their vote?

Answer. I said that was the case in certain parts.

Question. Did not the radicals in that section of the State have the advantage of your conversion and that of Governor Parsons to aid them?

Answer. Yes; but they had that advantage, I should suppose, generally throughout the State; for it was known everywhere.

Question. But that was the particular portion of the State in which you and Governor Parsons resided, and therefore the one in which you had most influence?

Answer. I resided at Montgomery, and Governor Parsons some distance above Montgomery.

Question. But in the same region of country?

Answer. My speeches were printed and pretty generally circulated. I think the republicans had the benefit throughout the State of the accession of Governor Parsons and myself.

Question. Generally, a man's influence amounts to something more in his immediate neighborhood?

Answer. Very often it does.

Question. Did any others who had formerly acted with the democrats in that immediate region of country connect themselves with the republican party at that time?

Answer. I do not recollect any other prominent men.

Question. That was a "new departure" for you?

Answer. Yes, sir; it was entirely new to me.

By Mr. BUCKLEY:

Question. The election was all quiet about Montgomery?

Answer. Yes, sir; there was nothing more than the ordinary political excitement. It was an election which excited great interest.

Question. The falling off in the republican vote was where the disturbances existed?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Although the statute, in so many words, declares a punishment for challenging the vote of any person, yet still, as a legal proposition, you think that is only intended to prohibit the challenging of any person legally qualified to vote?

Answer. Yes, sir; and I do it upon the principle of the old case found in the books. A statute was passed against drawing blood in the streets of a certain city. The statute said, in so many words, that whoever drew blood in the streets of that city should suffer a certain penalty. A man fainted in the street, and a doctor, passing by, pulled out his lancet, and, to save the man's life, bled him. It was held by all the judges that, although the case was, within the letter of the statute, a violation of the law, it was not within the spirit of the provision, and therefore was not punishable under the statute. I think that the same rule of construction would apply in this case.

Question. Practically, how does that prohibition operate?

Answer. What I would say on that subject would be mere conjecture. I believe I would not myself hesitate to challenge a man who I thought was not entitled to vote.

Question. Would you not have hesitated if you had supposed you would be made an object of persecution? Suppose your own son had offered to vote, and you knew he was not twenty-one years of age, would you not have hesitated to challenge him if you knew you would be the object of legal persecution under this statute, the language of which is directly inhibitory?

Answer. Whether I would challenge in such a case would depend on the mood I was in. If I was in quite a pacific mood, I would not have challenged probably, but would have refrained in order to have peace. If I was at all stirred, I would have challenged and taken the consequences.

Question. Do people generally want to borrow trouble in that way?

Answer. No, sir; I think not.

Question. Does not such a law as that operate to defeat the right of challenge?

Answer. I think it checks it.

Question. Do you not believe it was so intended?

Answer. I do not know. If my construction of it is right, then of course it was not. Construing the act fairly as a judge ought to do, I should say that the real intent and meaning of the legislature was to prevent harassment of voters by challenges. Sometimes at elections, when there is a great crowd of voters at a certain box, there is a strong temptation for partisans to make challenges for mere delay. Under the old

system a voter challenged was subjected to an examination, sometimes a hundred questions being put him; and while time was thus being consumed nobody could vote. The case of the man challenged must be settled before any more votes could be received. Under that system it was in any man's power to exhaust the time allowed for voting by foolish and ridiculous inquiries, pretended to have a bearing on the right of the voter challenged. I have seen some of the most laughable things of that kind; they were on my side and I stood them well. For instance, an old bald-headed man, and with all his remaining hair gray, would be asked, in a very earnest manner, whether he did not know that he was under twenty-one years of age. The object of such trifling was, of course, to take up time, and to keep out as many votes as possible.

Question. Such proceedings as that, occurring in old times, were regarded as highly humorous?

Answer. Yes, sir.

Question. At this day they give occasion for a Ku-Klux law?

Answer. Yes, sir; but I think, judging by the ordinary rules which ought to be followed in construing the action of public bodies, the conclusion ought to be drawn that the intention of this law was to prevent the harassment of men really entitled to vote.

Question. Since that law was passed have you ever known a man to be challenged?

Answer. I have never seen one challenged; I have been very little about the polls.

Question. Have you ever heard of any?

Answer. I do not recollect of having heard of such a case. I do not say there have not been challenges.

Question. You have never heard of any?

Answer. No, sir.

Question. You have never heard any one say that there has been such a thing?

Answer. I do not think so.

Question. Do you not know that the practical effect of that law is to defeat the right of challenging anybody?

Answer. The most I can say is that I think its tendency is to check the exercise of the right of challenge.

Question. And to check the exercise of the right of challenge in that way is to break down one of the safeguards of a fair election?

Answer. Yes, sir. The right to challenge is one of the safeguards. Of course, this law takes away from it its full value; but I think it operates in favor of one party in one locality and another in another. Where the democrats have full swing, they pile in their illegal votes; and if the republicans have the control at another place they put in theirs.

Question. Is it not the fact that in every election which has occurred up to this time, since reconstruction, the radicals throughout the State have had the appointment of all the managers of election?

Answer. No, sir, that is not the fact. I will take Russell County as an illustration. That county has a democratic sheriff and a democratic circuit clerk. The probate judge is a republican. In that county, I believe, from all the information I have, Governor Smith had about fourteen hundred majority at the last election. It was the duty of the returning officers in that county, under the provisions of the constitution, to make a return of that election to the secretary of state. They never made any return. The republicans had a very large majority in that county, but, by the failure to make a return, Governor Smith lost the advantage of that majority. His majority in that single county was nearly equal to the majority reported in favor of Lindsay in the whole State.

Question. You have not answered the question I asked. My question was whether, under the previous election, the radicals did not have control of the managers of the last election throughout the State. You have answered that question by mentioning an isolated case.

Answer. I mentioned a case in which they did not, and I believe there were other such cases.

Question. How many others?

Answer. I do not know how many; I have no means of arriving at actual knowledge; but I am satisfied there are counties in Alabama where a majority of the men who appoint the managers are democrats. I grant you that in most of the counties the republicans have the majority.

Question. Do you not know the fact to be that at the election in 1868, when these officers were elected, the democrats abstained entirely from voting?

Answer. Yes, sir; but I know there have been a great many changes in the officers since then.

Question. Do you mean they have changed their politics?

Answer. No, sir; I mean the officers are changed. Some of them have changed their politics, I understand, but many of the men who were elected at the election in February, 1868, have gone out of office, and others have taken their places.

Question. Had that change occurred prior to the last election?

Answer. Yes, sir, prior to the last election.

Question. Have there been such changes as to any of the officers who had the selection of managers of the election?

Answer. I think so; that is my belief; I have no doubt about it.

Question. Have the terms of their offices expired?

Answer. Those who were voted for in February, 1868, have gone out of office by death, resignation, or otherwise, and before the last election others had been put in their places, some of whom were democrats. I know that Governor Smith appointed democrats in several instances. In the very county of Russell, of which I have spoken, the assessor, who is a democrat, was appointed by Governor Smith.

By Mr. BUCKLEY:

Question. Do you remember how it was in Greene County?

Answer. Yes, sir, I heard how it was in Greene County. In Tuscaloosa County, also, I understand there is a democratic sheriff, who was appointed by Governor Smith. He was not, however, an extreme partisan by any means.

By Mr. BLAIR:

Question. Do you say that the officers in Greene County are democratic?

Answer. I have heard that the sheriff or some other officer there appointed by Governor Smith was a democrat. I do not profess to have any personal knowledge on the subject. As to Russell County, I have such knowledge. I know the circuit clerk, the probate judge, and the sheriff in that county. Ware is sheriff, Faulkner circuit clerk, and Appleby probate judge.

Question. At the general election in 1868 the democrats abstained entirely from voting?

Answer. I do not say that they abstained entirely.

Question. Well, to a very great extent?

Answer. Doctor Worthy was elected senator at that very election.

Question. One democratic senator was elected out of how many?

Answer. Thirty-three.

Question. But to a very great extent the democrats did abstain from casting their votes for anybody at that election?

Answer. Yes, sir; that was the policy adopted and urged upon them.

Question. And at the elections which were held throughout the State at that time radicals were elected in about the same proportion as in the senate, where there was one democrat to thirty-two republicans?

Answer. I should think so.

Question. In that state of affairs, where the republicans had the management of the polls by thirty-two to one throughout the State, how can you undertake to say that the democrats perpetrated more frauds in the election than the republicans—that more fraudulent votes were cast by the democrats?

Answer. I do not put it so strongly as you do. I do not say that they did, I say that my belief is that they did, and I will tell you the grounds of my belief. I think that a great many officers who were called republicans were influenced in one way or another—some by intimidation, and some by other means—to play into the hands of the democrats. I have heard of things of that sort, and I believe there is ground to believe them.

Question. Did you never hear of anything of that sort on the other side? Would the radicals never tamper with such matters?

Answer. I do not pretend to say they would not if they had a chance; as to that, I think they would. But I say that between the election of February, 1868, and the last election, changes in the officers were effected in one way or another, and in that way I think the democrats had, as managers of elections, secured a good many more men who were either openly or covertly on their side than the public at large, especially at this distance, have any conception of. That is my belief.

Question. Is it not a fact with which you are conversant, as are all other southern men, that there is much greater difficulty in recognizing negroes than whites?

Answer. Yes, sir, that is so.

Question. And that frequently negroes can practice fraud upon the election officers by passing themselves off under different names, where a white man would be instantly detected?

Answer. I think there is a striking difference in that respect.

Question. Very striking?

Answer. I think so.

Question. That difficulty of identifying negroes has been testified to by most gentlemen from the South, whose attention has been called to it.

Answer. I think it is obviously the fact.

Question. Does not that give the radicals, who control these negroes, a much greater facility for fraud?

Answer. It does; there is no doubt about that.

Question. And do not the negroes, who are themselves ignorant of their rights in these matters, very frequently duplicate their votes over and over again?

Answer. I do not know. I hear that the democrats say that they do.

Question. You hear that allegation?

Answer. I do.

Question. Is it not reasonable to suppose that a class of persons who cannot appreciate the villainy of such a transaction would be easily induced to do it?

Answer. Yes; I think it is very likely there has been illegal voting of that sort. I believe there has been, though I have no knowledge of it.

By Mr. BUCKLEY:

Question. Are not voters required to be registered before they vote; and do not the election officers keep a record of the names of the electors, and compare the names with those on the registration list?

Answer. That is what they ought to do.

Question. The law provides for it?

Answer. Yes, sir.

Question. Has it not been the custom in your county and other counties to divide the managers of the elections politically?

Answer. There was an agreement on that subject between the two executive committees before the last election. The chairman of the two State committees came to an agreement to that effect. My recollection is (and I do not think I can be mistaken on that point) that the arrangement was to this effect: That in counties where the democrats had the majority, at least one republican should be appointed among the officers of the election at each precinct, and where the republicans had control, at least one democrat was to be appointed.

By Mr. BLAIR:

Question. It has been testified here that that agreement was totally disregarded throughout the State.

Answer. I know of no disregard of it myself. I supposed that it had been regarded.

By Mr. BUCKLEY:

Question. Did not that agreement extend in the same manner to the counting of the votes after the ballots had been cast?

Answer. Yes, sir; it is my recollection that it extended to the counting of the votes; that each party was to be repesented.

By the CHAIRMAN, (Mr. POOL:)

Question. Did you ever hear that the arrangement had been disregarded?

Answer. I do not recollect of hearing before that it had been disregarded. From the character of the chairman of the republican executive committee, I am satisfied he would not disregard it, or countenance the disregard of it. I refer to General Healy, United States marshal. He is an officer who conducts himself in such a way, I believe, as to give satisfaction to the democrats generally.

By Mr. BLAIR:

Question. You have stated here several times that though you agreed with the democrats for a long time, you now attribute your course at that time to passion and violence, which passion and violence you seem to think have taken possession of the democratic party?

Answer. No, sir; I did not put it that way; I put it with more accuracy. I stated that I was born and raised a democrat; I believed in the faith of that party in its strongest State-rights version. That was when I was cool. But, as I said, when the war commenced there were evoked passions which existed during the war and continued to exist at its close. I said that my passions, instead of being abated by the results of the war, were strengthened. My hatred for the republicans, and for the objects which I supposed they had in view, was increased. The passions which I spoke of as cooling were those passions which I had after the war—not connected with the democratic faith at all when I first embraced it, nor for many years afterwards—in fact, not until since the war. My deliberate view years before the war, and at the commencement of the war, was that the democratic doctrines were correct; that the democratic party adopted the true interpretation of the Constitution; and if I had had my way I would have made that instrument read that way so clearly that nobody could have misunderstood it. But I was disappointed by the war in having those doctrines overturned. That increased my passions. Under the political doctrines which I had opposed an important part of the property of the southern people was destroyed. The more these things happened the madder I became. It took a long time for me to cool these passions and to perceive even that which was inevitable. If I had been cooler I should have changed my political course earlier after the close of the war.

Question. There are many men in this country who believed just the reverse of what you believed in regard to the power of the Government to make war to suppress the rebellion, who devoted all their energies to the maintenance of the Government during the war, and who have since abandoned the republican party because of its subsequent usurpations; who, so far from concurring with you in joining the republican party after it has committed what southern people consider so many and such gross outrages, have, after going through the war on the side of the Union and giving their utmost efforts to suppress the rebellion, abandoned the republican party because of its usurpations since the war?

Answer. Yes, sir.

Question. Yet you think it is only necessary for a man to get "cool" to see that the republican party is the best thing in the world?

Answer. Yes, sir; that is my opinion. I know there are gentlemen such as you speak of; and I have considered what you suggest in making up my judgment. I accord such men full credit for the honesty of their views, while I differ with them decidedly. I think myself that the republican party can improve its practices; but at the same time I have no idea that in the State of Alabama, with the two races not very unequal in numbers, we can get along at all as we ought to unless we allow civil and political equality between the races. The democrats have not been able until lately to show any toleration toward men holding this view. I am delighted to see this "new departure." I wish it had begun earlier, and had been backed more strongly, if the movement is really made in good faith.

By Mr. BUCKLEY:

Question. What do you think is the duty of the Government toward the colored men?

Answer. My opinion is that the Government is bound to maintain the rights which, as I understand, it has pledged to give to these colored people. I do not pretend to say that the Government ought to have come under such a pledge; but when I look back at the course of events, I think that the party that had the rule of the country on the Union side during the war became under obligations to the colored people, which they ought not to be reproached for redeeming in good faith. What I mean to say is that I do not think it would have been exactly right for the Government in the hour of emergency, when it was said the life of the nation was at stake, to invoke the aid of the colored people and procure it by promises of doing something for them, and then afterwards fail to carry out those promises.

By Mr. BLAIR:

Question. Did the Government in fact procure the aid of the colored people? During the war were there not many more colored people in the South aiding the rebellion than helping the Union?

Answer. Well, I do not know of any colored men helping the confederate side, except in the way of carrying on the business in which they were always employed before—agricultural occupations.

Question. Do you not know that the negroes built most of the fortifications in the South?

Answer. No, sir; I recollect they did build some in Alabama; but those did not do any good.

By the CHAIRMAN, (Mr. POOL:)

Question. They did it under coercion?

Answer. O, yes, sir; they did not do it voluntarily.

By Mr. BLAIR:

Question. Did not a great many white men aid the rebellion under coercion?

Answer. Do you mean in the Confederate States?

Question. Yes, sir.

Answer. I do not think a great many of them did; some did, no doubt. In Alabama the contest in regard to secession was a close one; we had a hard time to get secession through.

By Mr. BUCKLEY:

Question. Did you ever get it through?

Answer. We got it through the convention. Though that first step was attended with great difficulty, yet after the war commenced I think the people were pretty strongly in favor of whipping out the northern soldiers. It was a very fashionable idea that we could do it and would do it. But you see we did not succeed. I think the general idea was that we could establish a government of our own in the South; and I believe that but a comparatively small portion of our people needed any coercion.

TESTIMONY TAKEN BY THE SUB-COMMITTEE.

HUNTSVILLE, ALABAMA, *October* 6, 1871.

JOHN A. MINNIS sworn and examined.

By the CHAIRMAN, (MR. PRATT):

Question. Judge Minnis, what is your place of residence?

Answer. Montgomery, Alabama.

Question. How long have you resided there?

Answer. I think about two years.

Question. Where did you go from when you went to Montgomery?

Answer. I moved from Greenville, Alabama, forty miles below.

Question. Are you a native of the South?

Answer. Yes, sir; I was born and raised in North Carolina.

Question. How long have you lived in the State of Alabama?

Answer. Since the fall of 1866.

Question. In what State did you live immediately previous to that?

Answer. I moved from North Carolina to Tennessee in 1838, and lived there in Tennessee until 1866.

Question. I will ask you to state what official position you now hold?

Answer. District attorney of the United States for the northern district of Alabama, which embraces the middle district.

Question. How long have you held that office?

Answer. Now nearly a year; not quite a year.

Question. How many terms of court have you attended since your appointment?

Answer. I have attended two at Montgomery and one at this place.

Question. Judge Minnis, this committee is instructed by resolution of Congress to inquire into the condition of the late insurrectionary States, so far as regards the execution of the laws and the safety of the lives and property of citizens of the United States. I will ask you to state now, from your knowledge and from the information received from others, what disturbances have existed in the northern part of Alabama since you became acquainted with that part of the State.

Answer. My first experience with that was really in Middle Alabama.

Question. Well, you may extend your answer to Middle Alabama as well as Northern Alabama.

Answer. My first experience with disturbances arose about the time of reconstruction and the adoption of the constitution. I then lived at Greenville. There was a good deal of hostility to those measures, and when it was announced who were the officers that were to be elected, or proposed to be elected, under that reconstruction, there was a great deal of hostility to them. After the constitution was adopted, Judge Gardner, who was elected probate judge, undertook to go into his office in Greenville, and there were a great many violent demonstrations. At the time the first one occurred I was not at home; I was off at court. They went in and besmeared his office all over. They got in there in some way, and besides doing that they injured his books and papers.

Question. Where did that occur?

Answer. That was in Greenville. A few days after that I heard a fuss on the street just below my office, and I ran down to see what it was. It was Gardner, trying to get into his store and two men trying to drag him out. I went to them and began to persuade them to desist from such demonstrations. That did not seem to do any good. Finally I just caught hold of them and told them they should not do it. At that time I was not known as a republican at all. I had not really taken any part in politics. That got me into a controversy, and I was very much denounced for my action in that particular. It got me into the papers. He was frequently whipped, or attempted to be whipped, by persons falling aboard of him, and he was finally attempted to be assassinated; was shot through his window. There was a great deal of indignity offered him. I do not know of any other officer being whipped, but indignity was offered to all of them, and it was almost impossible at that time to enforce the law there. I thought a great deal of it, though, was owing to the inefficiency of the sheriff.

Question. Was this in the year 1868?

Answer. It was in the year 1868. I do not know to give particular instances, but

there was a great deal of that. Since that time that county, I think, has become quiet, and is, perhaps, as orderly as any county in the State. They have got over that.

By Mr. BECK:

Question. Will you name the county?

Answer. Butler County. I think it is quiet and the law is well enforced. They have a most excellent sheriff, whose politics is scarcely known at all, a man I was trying to get Governor Smith to appoint for some time before he was appointed. His name is Perdue. I do not think they now have any more difficulties. I have not heard whether he was re-elected or was a candidate. There are portions of that county in which I do not think yet the negroes have ever felt free to vote, particularly in the Monterey district. I suppose there are from one to two hundred negroes in that district. From my knowledge of them, I am satisfied that nearly or all of them are republicans, and there has never been a republican vote by them given in the precinct; and there are other precincts in the same county of the same sort. Some of them have gone to adjoining precincts and voted.

By the CHAIRMAN:

Question. What proportion does the colored bear to the white population?

Answer. Perhaps there was a majority negroes. It is the next strongest colored precinct to Greenville precinct; it is the richest portion of the county. I have heard, but have no well-attested evidence of the fact, of various outrages there being committed on the black population. I have no evidence of it to establish it, and do not propose to speak of cases unless I have such evidence.

Question. Do the colored people there refrain from attending the polls in that precinct on account of intimidation and menaces?

Answer. I think so; though I think that lately, since the general election, there has been a better feeling even down there. I think there is an improvement generally there, from my knowledge. I think men are very much moderated, and there is a much better feeling.

Question. Proceed with your statement.

Answer. I then moved to Montgomery. The only thing I can relate which I knew particularly there, except just what I saw in the papers and heard in reference to outrages, was when I was, by direction of Governor Smith, sent up to Eutaw to investigate the matter of the killing of Boyd. I spent three weeks there.

Question. Do you speak of the riot that occurred there?

Answer. No, sir; I speak of the killing of the register in chancery and county solicitor, that occurred in 1869. I went up there to investigate that matter, and spent first one week and afterwards two weeks. When I first went there I made no concealment of my business, for I have never gone in any other character than openly. I thought the people met me rather sourly, of course; but I met an old acquaintance, a gentleman who knew me very well, and he took me around and introduced me to a great many men, and told them he was satisfied that I would do what was right; and after that I had no trouble myself with any of the citizens at all. I investigated that matter.

Question. Eutaw is in Greene County?

Answer. Yes, sir. When I went there, the solicitor having been killed, Luther Smith, the judge, proposed to appoint me the solicitor, knowing my business, but I declined, and told him to have a lawyer appointed who lived in that county; and Mr. Snedecor, a democrat and a very clever man, was appointed, and I in connection with him investigated that matter. I myself talked with all the negroes I could get to see from that region where the difficulty was supposed to have originated. It is a place called Union, where there had been a good deal of difficulty, and negroes had been killed, and some white men killed, too. Upon that examination—and that was the first trace that satisfied me beyond all controversy that there was a regular organization—I became satisfied that there was not a man living in that county that had had anything to do with that killing; but I have no doubt that it was prompted by some men in the county; but so far as I have any trace as to any man in the county, outside of Union beat, I never had any evidence that any one had anything to do with it. I am equally satisfied that the crowd that came down was organized outside of the county, and every man in the county, if there were any such, that belonged to or sympathized with that order, was at home, and, if brought up, would have been able to prove it. We proved by two witnesses that just that crowd was seen crossing into the county, from rather a northern direction, that night just at dark; and they were seen to pass out of the county just at daylight next morning.

Question. How much of a crowd was that?

Answer. Thirty or forty was the number at which it was estimated, according to the testimony.

Question. Were the parties disguised?

Answer. They were, with black loose gowns, with something that covered their faces, something like quills that made them look like long, big teeth, and made a peculiar sort of

noise. They came in by two roads, as the proof showed. One party came by one way and one by another way, and they met there and at once sent out sentinels.

Question. Did they come on foot or horseback?

Answer. On horseback.

Question. Were the horses disguised?

Answer. Yes, sir.

Question. In what manner?

Answer. I believe they had black hung over them.

Question. Were the men armed?

Answer. Yes, sir, with guns and with pistols. One witness said with sabres. They were seen by, perhaps, twenty men.

Question. What did this gang proceed to do?

Answer. They placed out sentinels as they came in, guarding the different roads. They went up and took Boyd out of his room, and he was shot. They had ropes with them, that were seen by some parties, and I think they probably intended to hang him, but he made some resistance, and in that resistance he was shot by some one of the party. After the first shot there was an intermission of a minute or two, as those who heard it stated, and then there was quite a number of shots fired. He was found shot by eight or ten balls, and was dead when found. I was told by men who saw it, and men of the highest credibility, that there was scarcely a word spoken by them, and the sentinels were sent out and brought in by a mere wave of the hand.

Question. How was it ascertained that Boyd resisted?

Answer. That was ascertained by some persons who were in the room under him, who had not gone to bed, and who heard scuffling.

Question. Was Boyd lodging at a public house?

Answer. Yes, sir; he was staying at the tavern. I talked with the landlord who was there, but not immediately there at the moment; he was across the street playing billiards.

Question. How was he assassinated, shot?

Answer. Yes, sir, shot.

Question What was his offense?

Answer. There are different opinions. I have my own hypothesis about it. Some years before the war Boyd, when quite a boy, was going to school at Union. He was a nephew of old Judge Miller, the keeper of customs at Mobile. While there Miller's son and a man named Brown got into a fight, and Boyd got into the difficulty in some way and shot one Brown, who was killed. He was arrested and tried for it, and convicted of murder in the second degree; sentenced to the penitentiary ten years, and his punishment was commuted by the governor to one year in the county jail.

By Mr. BECK:

Question. Was that the verdict of the jury or the commutation?

Answer. It was the commutation. He was convicted and served one year.

By the CHAIRMAN:

Question. Did he serve his term?

Answer. Yes, sir, in the jail. He had been, upon conviction, sentenced to the penitentiary.

Question. How long was this homicide previous to the murder of Boyd?

Answer. I do not know. It was two or three years before the war. He and his mother then went to Mississippi. After the war was over he came back and was appointed county solicitor and register in chancery. As county solicitor, after there had been some negroes killed and a white man murdered up in that same neighborhood of Union, he had put on foot an investigation. The general impression was that this white man that was killed had been killed by some negroes. One of them was an old bachelor who was pretty wealthy. He (Boyd) told some parties that he had evidence showing that he was killed by white men for purposes of robbery. Mr. Snedecor himself told me that Mr. Boyd had made that statement to him, and he had said to parties that he would investigate that matter if it took all summer. Then I think there was a good deal of political bitterness, he being a republican; and, as I think, the main body of the Klan, or whatever it was in that county, was in the same region where that matter took place, and were, I think, relatives of this same man, or connected with him; and I think that that tended to make the hatred against him more intense on the part of the Klan, and his being a republican also made them dislike him; and I think they thought that he had too much information for their safety. These three causes, I suppose, determined his fate.

Question. Was there any indictment preferred by the grand jury for the murder of Boyd?

Answer. No, sir; the parties could not be identified so as to get the grand jury to indict.

Question. And never have been to this day?

Answer. Never have been to this day.

Question. What county was it supposed that this band proceeded from?

Answer. I think myself that there were likely some from Tuscaloosa, some from Pickens, and some citizens there; at least those I have seen since or talked with about it have thought it likely that some of them were in from Mississippi; that they were from across in that region.

Question. How far distant were those points from that from which it was supposed that these disguised men had come?

Answer. It was sixteen or eighteen miles where we had the last trace of them, I think. That is my best recollection now. As to what point they came from, they were going up and coming from the direction of those two counties which adjoin. These two counties join, as I understand it, and, as it were, corner on Greene County. They were coming from that direction, and going in that direction.

Question. What efforts, if any, were made by the citizens of Eutaw to bring the men who had committed this outrage to justice?

Answer. I do not think, from what I can hear, that they made any at all. The sheriff himself was out on the ground very soon after it occurred. The thing that struck me as most remarkable in investigating that affair, was that in the course of an hour or two after Boyd was shot a coroner's inquest was held; men in the town got up immediately and a coroner's inquest was held over him, and it was reported—I do not remember the exact language of the report—that he was killed by some persons unknown. All that was done immediately, and although the sheriff was upon the ground and quite a number of men saw this, no pursuit was made at all nor any effort to ascertain where the parties had gone. The matter of finding where they had gone, and their movements, was ascertained by myself and Mr. Snedecor sending for the witnesses wherever we could hear of them.

Question. Was Mr. Boyd obnoxious in that community?

Answer. There were very contradictory statements upon that subject. A great many said, and it was published there in the paper, that he was exceedingly obnoxious in his office as county solicitor and register in chancery. Perhaps the most of the citizens I talked with would give that account of it. I talked with Chancellor Clarke and Major Webb, the two oldest and perhaps ablest lawyers there. They both told me that they did not regard Boyd as a bad man, and, so far as his official character, particularly as register in chancery, was concerned—for lawyers of that standing had very little to do with him as county solictor—they regarded him as one of the best and most accommodating they had ever known.

Question. What was the general sentiment among the leading citizens of that town? Did they deplore the occurrence or otherwise?

Answer. Well, it is hard to tell. They all expressed themselves that way to me. All the good citizens did. While I think that Boyd was very obnoxious to them, and while I do not think that they felt like taking any active part in hunting up those who did this act, I think they would have much preferred that the thing had not taken place, for various reasons.

Question. State those reasons.

Answer. One was the effect it would have upon their community, the character it would give the country abroad. I think those better citizens were really opposed to it. Those around the town were opposed to that sort of conduct upon general principles. They did not think that was the way to do. They thought that was going too far. While I think that perhaps a great many of them would not have cared much if Boyd had got a whipping, they were not satisfied with this thing, and would not have encouraged going to that extent. I speak now of those citizens that I met right around the town.

Question. This occurred in 1869?

Answer. I think it was in 1869. I am not certain now.

Question. Have you stated all that you desire to state in regard to that occurrence?

Answer. That is about all I know in regard to it. There were a great many incidents that occurred there that it would take a great deal of time to state.

Question. Proceed with your general statement as to any other disturbances that have occurred.

Answer. After that, while I saw a great many things in the papers, yet until I made the canvass with Mr. Buckley in a part of our district——

By Mr. BUCKLEY:

Question. Last year?

Answer. Yes, sir.

By the CHAIRMAN:

Question. The canvass of the fall of 1870?

Answer. Yes, sir.—I don't know anything that came under my personal knowledge except very frequent remarks of an insulting character that I do not care to say anything about.

Question. You say you accompanied Mr. Buckley in his canvass in the fall of 1870?

Answer. Yes, sir; I made some speeches elsewhere and made a canvass in 1870 in the second congressional district.

Question. What counties are comprised in it?

Answer. I canvassed with him a portion of Montgomery County as we went through. From that we went through Pike and Dale, Coffee, Geneva, and Henry. In none of these counties had we the slightest difficulty except in Pike.

Question. You may state what occurred in Pike County.

Answer. At Orion we made speeches. The crowd we were addressing were principally colored men. There were a few white men who stood over in a porch opposite to where we were speaking. Mr. Buckley made his speech, and the only disturbance during it was that they were hallooing over insulting language, and things of that sort. I had made my speech under the same circumstances. The white men, of course, in their remarks were very insulting, but nothing else, until just as I was closing. I had got through my argument and was addressing myself to the *personnel* of Governor Smith, when a man rode up on horseback and told me I must stop, waving a big stick, saying that that town belonged to the citizens and they would not allow that to go any further. I just stopped a moment and spoke to him calmly, telling him I was nearly through; that I proposed to finish soon; that I had about concluded my argument, and would have closed in five minutes if he had not interrupted me. He seemed to persist. Mr. Buckley, sitting in a buggy close by, spoke to him. Whilst we were in that, some men came up and led the man off. When we went to start off they hallooed to me to know where I would stay, and said they wanted to lock their stables, and things of that sort. That was all the disturbance at that place. A day or two afterward we met at Brundridge, and there was at Brundridge a very considerable negro vote—I do not remember how much—which it was understood had never voted. When we got there, we first drove up in a buggy where some men were in front of a store, and asked if they would tell us where we could get our horse fed. They said they could not. We then drove out into a grove and hitched our horse and came back, and Mr. Buckley told them what we had come for. They said they did not propose to have any speaking of that sort there. There was a number of them. We saw a few negroes standing around, looking off and shy. Mr. Buckley reasoned with these men for some time, but they persisted in it.

By Mr. BECK:

Question. Was that still in Pike County?

Answer. Yes, sir; that is in Pike County.

By Mr. BUCKLEY:

Question. Had notice of the meeting been sent forward?

Answer. Yes, sir. I will make a digression there, before going further. A notice of the meeting had been sent forward, and I know it had reached there, for in passing through Pikesville I had an interview with Senator Worthy.

Question. Passing through Troy, you mean?

Answer. Yes, sir; passing through Troy. I had an interview with Senator Worthy before we got to this place. He told me they had sent for him to come there and answer us; that court was going on and he could not go, and that there would be nobody to go, and that the determination was that they would not attend the meeting at all. He did not tell me there would be any violence done, but he told me they were very hostile, or very much opposed to that speaking; but that if I was along by myself, I being a southern man, he thought they would hear me, but being with Mr. Buckley I would not get any attendance. Then to resume where I left off, Mr. Buckley insisted on it that they should hear him; that he would not say anything to insult them; that he wanted to talk to them about matters to their own interest. They persisted in it; and my recollection is that a doctor, whose name I forget now, who had a little drug-store there, made a remark something like this: that he knew we had the right to speak, and they did not propose to interfere with us, but that nobody would go to hear us; that he would like to see the man that would go to hear us speak; he wanted to put him on his "son-of-a-bitch book;" and pausing a moment at that, he then remarked that no man could live ten days in that community who would go and hear us speak. Mr. Buckley then came to me and asked me what we should do. I told him, rather laughingly, that I had always found that there was luck in leisure, and we would stand around awhile and see what would come of it. After awhile we started to get in our buggy, and some men came up—two or three of them—and said they wanted to hear us. Then some of the negroes came up and insisted that we should hold a meeting and speak. They had a consultation but the crowd insisted that we should not, saying that we had the right and that nobody would violate that right; but that nobody should hear us. Some came to me and seemed to want to hear the speaking. I told them that I had never before gone to a place where I could not speak, and was not afraid to speak there; yet as my purpose was to allay excitement, and not to create it,

I feared that if we undertook to make speeches and did make speeches, those who went to hear us would, when we left, bring themselves into such bad repute and bring such indignation on themselves that it would leave the neighborhood worse than we found it, and that I would not speak. So I left without speaking.

By the CHAIRMAN:

Question. How large was the crowd?

Answer. Fifteen or twenty. I met a negro, after leaving there, on a wagon, and he told me that the negroes had been notified not to go to that meeting; that they wanted to come to the speaking and to vote the republican ticket, but they could not do it unless they slipped off to Troy.

Question. Did that speech of the doctor seem to meet the approbation of those people?

Answer. Yes, sir. There was one old man who seemed to have a different sentiment, but some of them rather suspected him and threw out some rather insulting language. With two or three exceptions the voice was all that way. There was one particularly, a mechanic there, who said that he worked for his living, and he did not intend to have speeches made to negroes, or that there never had been speeches made there to the negroes and never should be.

Question. Did you notice whether this crowd was armed?

Answer. No, sir; I did not.

Question. You made no speech, nor did Mr. Buckley?

Answer. No, sir; except in the way of talking to them as I have said. Those were the only two points where we were disturbed. In Henry, Dale, Coffee, and Geneva we were treated not only respectfully but kindly.

Question. What was the character of the audiences; were there many white men present?

Answer. Yes, sir; generally there was a large majority, nearly all, white men. There are but few negroes in that country after you get out of Pike. At one place I had a considerable negro audience. Colonel Oates and myself made speeches together, and it all went off very well. Colonel Oates is himself a man as fair and reasonable as anybody, and he would not have any disturbance, or anything of that sort, where he could have helped it.

By Mr. BECK:

Question. You were discussing politics with him?

Answer. Yes, sir; he was on the opposite side. He is a man I would as soon discuss a question with as any other; a very able man, but a fair man. At the same time Oates was in favor of reconstruction, though he is a democrat.

By Mr. BUCKLEY:

Question. From your knowledge of the tone of public sentiment in this State, do you think a republican can express and advocate his political opinions with freedom and personal safety throughout the State?

Answer. I think there are some places where he could not; I think there are a great many where he could.

By the CHAIRMAN:

Question. At what places do you think he would not be safe in expressing his opinion?

Answer. I think there is some danger in almost any place in that county of Pike.

By Mr. BUCKLEY:

Question. How is it in Western Alabama?

Answer. I think in most portions of Butler County he would be safe. I doubt whether he would be safe in Monterey. I do not think such a thing has ever been done, and I do not think it would be safe. Then, there are portions of Western Alabama, and a great many places in Western Alabama, too, where I do not think he would be entirely safe, though I have never tried it myself, and only speak from information derived from others. So far as my personal knowledge is concerned, I have never had any difficulty myself, except in the places I spoke of, where I have attempted to make a speech.

By the CHAIRMAN:

Question. Does that end the general statement you wish to make, Judge?

Answer. That ends the general statement up to the time that I became district attorney. I was appointed district attorney soon after that canvass.

Question. After the canvass of 1870?

Answer. Yes, sir; just after that I was appointed.

Question. State whether in your official capacity, since your appointment as district

attorney, you have had occasion to examine into these alleged outrages to ascertain whether they have actually occurred.

Answer. The first difficulty that was brought to my notice in my official capacity was an outrage in Coosa County, in Socopotoy precinct.

Question. When did that occur?

Answer. That occurred this year, I think. It was in the last of last year or some time in the first of this year, but I think it was this year.

By Mr. BECK:

Question. That is in Central Alabama?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Proceed and tell the particulars.

Answer. There came down to me a colored man named Henry Giles, and also one named Wiley Williams. Wiley Williams had been very badly whipped. I saw the wounds; they were then fresh. Another man had been shot. He was not able to come down. He afterward came down and I saw his wounds. Upon their affidavit I issued a warrant against a colored boy whom they believed was along with the party, though not being able to certainly identify any man. Upon that I had a very thorough examination before a commissioner.

Question. Do you speak now of the Williams case?

Answer. I do.

Question. State all the particulars that you ascertained upon that examination.

Answer. The proof showed very clearly that a crowd of disguised men had gone into the neighborhood and whipped, I think, about nine or ten, and shot one pretty badly, and shot at several others as they ran; and at the same time had burned a church.

Question. The colored people's church?

Answer. A colored church. The proofs so show. The man who saw them when they went to the church and burned it said that it was these disguised men. They went to one place where there was a quilting, and there they whipped Wiley Williams. They asked him how he voted in the last election. He told them that he did not know; he could not read. They asked him how he intended to vote. He asked them if he told them would they whip him. They said they would not. He then told them he had intended to vote radical, and they then took him out and gave him a very severe whipping. I know he was whipped severely, for I saw the marks upon him.

Question. Did this occur in daylight or in the night-time?

Answer. In the night about 11 or 12 o'clock. They went to an old man by the name of Jerry Webb.

Question. The same night?

Answer. The same night. They took him out and told him that they were the spirits of confederate soldiers just from hell, and they had come to run every damned radical out of the country, and for him to give notice to the negroes that they must not too many work for one man; that they must scatter out so that all could have some—that is, some of their labor. They hit him two or three licks, but only one that hurt. They laid him down and marked off his grave, and told him they were coming back again. That same night, as I before said, they shot one negro who attempted to run, and they shot at several others.

Question. Did they visit any other houses besides this where the quilting was, and Jerry Webb's?

Answer. Yes, sir, they visited several others, and altogether whipped nine or ten negroes, all of whom I afterward had as witnesses.

Question. How large was this band?

Answer. Thirty or forty, they said. I afterward investigated that same thing before the grand jury, but on neither of the trials was I able to satisfy the grand jury or the commissioner of the identity of the persons who did it. I thought myself that I had proved one case, but they did not think so. In the investigation before the grand jury I sent up and summoned two white men from the neighborhood, one by the name of Maxwell—Allen or John Maxwell, I don't know which—the largest land-holder there, and a man for whom a large portion of these negroes worked. I examined Maxwell very closely as to the character of these negroes. He told me it was good; that there was no cause for that outrage that he knew of, except what was alleged at the time. Maxwell's opinion was that really one of the motives was to alarm the negroes who were working at one man's so that they could themselves, some of them, hire the negroes for little or nothing. That was Maxwell's notion. When this negro complained to me, before I took out the warrant I went myself and saw General Clanton, the General James H. Clanton lately killed. I saw him and told him what was going on, and said that I believed he could do perhaps more than anybody else with his democratic friends up there to stop this. I told him these negroes said they would even put up with what they had received if they were let alone and allowed to go home.

Clanton wrote a letter up there, and started the negro up with it. The negro started to go up there, but came back and told me it would not do at all. I met Clanton again on the street and told him about the negro. I believe he knew the negro, who used to belong to some prominent man up there. While we were talking we saw Crawford, one of the wealthiest men in that county, and called him over, and I stated to him that I wanted to get him to use his influence to stop that thing; that that was all I wanted to do. Crawford said that was about four miles and a half from his neighborhood, and that things were going on there very badly, but that he could do no good in trying to stop it. That astonished me, and I asked him why. He said that they threatened him and his negroes, and that his negroes were getting so alarmed that he was afraid he would not be able to keep them on his farm; that on account of his trying to protect his negroes they had become so prejudiced against him that he thought any proposition of his would do more harm than good.

Question. At what time did you make that request of General Clanton?

Answer. Soon after this occurred. It was last spring.

Question. About what month?

Answer. In March, I think.

Question. Did you make as full a statement of the facts to General Clanton as they had come to your knowledge, as you have made to the committee to-day?

Answer. Yes, sir; I took the negro to him and showed him to him at my office, and we talked it all over. General Clanton wrote this sort of a letter: "I cannot believe that honorable men will be engaged in such business; but if they are, I advise you by all manner of means to see that it is stopped." That was the tenor of his letter which he sent by the negro.

Question. Did you express to General Clanton at that time your conviction that this was a part of the Ku-Klux organization?

Answer. I told him I thought it was.

Question. What opinion did he express?

Answer. He never would agree with me that it was. I have had a great many interviews with General Clanton on the subject. He always said that he could not believe it.

Question. How could he explain it?

Answer. Sometimes he thought it was by bad boys; sometimes one thing and sometimes another.

Question. You say you took Williams to him?

Answer. Yes, sir; I took Giles and Williams both to him.

Question. Did he examine Williams and Giles?

Answer. He examined them as to what they said about it. He did not examine to see whether they had been whipped. Giles had not been whipped; he got away without being whipped.

Question. Was there any pretext for whipping Williams, except his politics?

Answer. That was all, as I learned from them. That was alleged; and upon a most thorough examination of Mr. Maxwell, who was a prominent democrat, for whom they worked, he stated to me and to the grand jury that they were men of good character and behaved themselves.

Question. Do I understand you to say that this crowd that whipped Jerry Webb told him that they were going to run every radical out of the country?

Answer. Yes, sir, that is what Webb swore to.

Question. Do you say that Webb is a truthful man?

Answer. I have Allen Maxwell's word for it; he said he was a truthful and good man; it was either Allen or John Maxwell; he lives there yet, a man of fifty years and upwards.

Question. What effect did these whippings have upon the negroes in the neighborhood as to intimidation?

Answer. As to any voting, there has been no voting there since, unless it has been in the late county elections. It had the effect to make them afraid to stay at home or do anything, and I learn that half or over half of them are lying out every night for fear of being set upon again.

Question. You say that these marauders said they were spirits of confederate dead?

Answer. Yes, sir; so the witness swore.

Question. Did he describe the disguises?

Answer. Yes, sir; the disguises of the men and their horses. These men and their horses were disguised in white gowns, and the horses were covered with white sheets. They wore something over them, a long cap that just left their eyes out; I do not know exactly how, but they were all in white.

Question. And armed?

Answer. All armed.

Question. To this day, I understand you, there has been no identification of this band?

Answer. No identification. I think myself I know one of them from the proof. I

think probably the captain was identified, but whilst it was satisfactory to my mind it was not satisfactory to the grand jury or the commissioner.

Question. Are you done with your statement?

Answer. No, sir; I am done with that case.

Question. Will you proceed to any other case you have investigated?

Answer. The next case I investigated before a commissioner was a case in Macon County.

By Mr. BECK:

Question. By "commissioner," you mean United States commissioner.

Answer. Yes, sir. When I speak of commissioner I mean United States commissioner. A negro named Aaron Lassiter, from Macon, came down four or five days after the whipping and showed me decided signs, satisfying me that he was whipped, and satisfying others in my office. He swore to the identification, I think, of five men. I issued a warrant and had them brought down before United States Commissioner Patrick, and they were tried.

By the CHAIRMAN:

Question. What did the proof show?

Answer. The proof of Lassiter and his wife showed that these men came to his house about 12 or 1 o'clock.

By Mr. BUCKLEY:

Question. At night?

Answer. At night. That they were men he was at work for, that he had worked with, and he knew well. When they first called him he thought they were joking, but they took him out and gave him a very considerable whipping. From his testimony I should say, if they are the guilty parties at all—that is if they belonged to the Ku-Klux—I do not think they were operating in the regular Ku-Klux costume. They were disguised, but according to his description of the disguise I think they simply had Federal overcoats turned wrong side out, and temporary paper caps on.

By the CHAIRMAN:

Question. How numerous were they?

Answer. Either five or six. They, in their defense, proved an alibi, as the United States commissioner thought, and they were discharged. That was before the last term of the district court down there. At the last term of the district court I presented that case to the grand jury, and they found a bill against all of them except one. That is still pending in the district court.

Question. What was the pretext of these men for inflicting that whipping?

Answer. The pretext alleged for whipping him was, as he swore—and it was the only motive I could get at from examining everybody I could find—that he had been working for one of these men two years, and, as the negro said, he thought he was not getting the pay he ought to have; he had this year rented a little place and was cultivating it for himself. That this man sent for him to go and do some work for him, he being at that time working for a negro in the neighborhood in order to get the negro's horses to work his farm. When they came they told him they would learn him how to work for a negro instead of a white man. In that same case the negro swore that these white men had made him vote the democratic ticket, by drawing a pistol on him when he wanted to vote the republican ticket. General Clanton himself put the question that brought that out. I had not asked the witness anything at all about his politics.

Question. What was the name of the man for whom Lassiter had been working?

Answer. His name is Cash; I forget his given name; he is a man of property that lives up on the railroad.

Question. Did the proof show that these other men that associated with him were from that neighborhood?

Answer. One of them was a man driving his wagon to his mill; the other had worked at his mill; two others were relations of his; one named Walker and the other's name I forget, but he was living in the neighborhood also.

Question. How far did they take him from his house?

Answer. About fifty or one hundred yards, I think; so near that his wife heard it all.

Question. Do you recollect how many stripes they inflicted on him?

Answer. I do not remember; I saw distinct signs, myself, of three or four; I think he said they whipped him with a sort of stick; I think his testimony was thirty or forty lashes, and they then told him that if he told it they would kill him, and made him promise never to tell it.

Question. Does he still live in that neighborhood?

Answer. He is now living close by Montgomery; he went down there and is there unless he has left there since.

Question. What was his motive in leaving that neighborhood?

Answer. He was afraid to live there; I advised him to leave. Four of these men are under indictment—all but one. The one whom he stated held the horses while they whipped him was not indicted.

Question. Are you through with that case?

Answer. Yes, sir.

Question. Proceed to the next case.

Answer. The case which I believe was next in order was a case in which a colored man came up from the lower part of Montgomery, down toward the Pike region, and made an affidavit; he had been whipped; there is no question about that; I saw the marks; he made an affidavit against some four or five; five, I think; two of them I know are named Crenshaw; the others' names I forget; they were arrested and brought up before the commissioner.

Question. You may proceed to state what the evidence was?

Answer. He swore that these men were disguised, but that he recognized them. He said he recognized them, and he proved their identity; that they came one night about 12 o'clock and took him out and gave him a very severe whipping. That he was whipped there is no mistake, for I saw the marks of the stripes soon after the whipping. He said that they alleged that the cause of their whipping him was that he had been too intimate with a white girl in the neighborhood who was a sort of an idiot. He swore to that and to the whipping. They really made no defense, but demurred, as they said, to the testimony, and stated that they had whipped him because he had seduced that girl.

Question. They stated this on their defense?

Answer. They did not make their defense. They merely stated it while they were trying this case. I asked the man if he was guilty of that charge. I cross-examined him closely to find out whether he was guilty. He stated to me solemnly and swore that he never had any such idea. I do not know whether I would have troubled the courts with the case if I had been right well satisfied of his guilt.

Question. The defendant, you say, offered no proof?

Answer. None. They are now under bond to apear at the next court.

By Mr. BECK:

Question. How many of them?

Answer. Four or five.

Question. Were they disguised?

Answer. Yes, sir. He swore that they were disguised. My recollection is that he swore that they were disguised by wearing some clothes of an unusual sort; that they were not in the regular Ku-Klux garb, but they were disguised and he knew them and knew their horses. He went back after the trial was over to within six miles of the place to live. He left that immediate neighborhood. A day or two after his wife came up in great trouble and told me that they had come and taken him off, and she did not know what they had done with him. I inquired, but could not get any information, and I went to the sheriff and told him he had better go down and see about it. He said he would. In the mean time the man came up and came to my office, and told me that they came and arrested him upon a warrant, charging him with having raped that white girl, and took him down to a little place called Dublin for trial; that they had a trial and bound him over to court, and not being able to give bail they started him to jail with a white man and a colored man. In coming along up the white man who had him in charge advised him that he had better leave the country. He answered that he could not do it; said, "if I attempted it you would hurt me." The white man said he would not. He said "when we get up apiece in the woods you ask me to get off and try it." The man did so. He took off, and looked back after he had gone a little distance and saw that they did not make for him, and came off and came to Montgomery where I was. They advised him to leave the country. He wanted to go up to Chambers County above Opelika, in the upper country. He is now somewhere near West Point. That is the last I knew of him.

Question. Do you recollect his name?

Answer. I have forgotten at this time.

Question. State whether you made any inquiry as to his character for truthfulness and respectability?

Answer. I do not think that I have investigated that, for I have not had an opportunity.

Question. You say he pointedly denied the charge made against him of seducing the white girl?

Answer. Yes, sir, he positively denied it. I could state that it created some doubt in my mind from the fact of their not making any proof; and secondly, because, as I have heard since, they took him up on a different charge. The one charge was rape; the other seduction.

By Mr. BUCKLEY:

Question. Do you think if he had been proven guilty of a rape in the trial at Dublin they would have let him escape?

Answer. I do not think that if they had thought him guilty they would have let him escape. I understand, however, that the girl did go before a justice of the peace and swear that he had raped her.

By the CHAIRMAN:

Question. Was she an imbecile?

Answer. I only know what he and his wife told me. They said she was not. They said she was in the family-way, and if this thing was true they said that it will soon develop itself. He and his wife declared there was no such thing.

By Mr. BUCKLEY:

Question. Do you think that the public sentiment of the citizens of Montgomery county, especially, would have tolerated a man who was carrying a prisoner to jail charged with that crime, and allowing him to leave if guilty?

Answer. I do not think it would. If I had been satisfied that the man was guilty of seduction, I do not think I would have prosecuted; but his being so positive in declaring that he was not guilty, and their not attempting any proof, and it turning out afterward that there was another offense alleged, made me willing to prosecute, and to see what was the proof.

By the CHAIRMAN:

Question. He was arrested actually on a warrant?

Answer. Yes, sir, he was; and taken before a justice of the peace, and committed to jail.

Question. Did he identify this man who accompanied him with a colored man to the jail as one of the party that inflicted the whipping?

Answer. No, sir; and what astonished me more than all, was that this man who let him loose was a man I had some slight acquaintance with, and who was not extreme in politics, Jasper Wilson, by name, whom you know, Mr. Buckley. I had staid with him. He was the constable that let this man get away. Now, that astonished me, for Wilson is a good man, at least he has that character and appearance. He treated us very kindly.

Question. Aside from this affidavit which the girl was induced to make, has any evidence come to your knowledge to show that this colored man was guilty of the thing imputed to him?

Answer. I have heard nothing else outside of that, except just what I heard them say about the seduction when it was on trial. The next case I had was the case of a man named Smith Watley, from Coosa County.

Question. A colored man?

Answer. Yes, sir; that occurred at a comparatively recent period; two or three months ago. He came down. He was very badly whipped, and the wounds were very fresh when I first saw him. He made an affidavit that about thirty disguised men came to his house and took him out and gave him that whipping in the night, perhaps about midnight or after. They were disguised in white, with white caps, the regular white Ku-Klux disguise, and whipped him as they alleged, because he had said that if ever the Ku-Klux came to his house he would hurt them. He identified, I think, five men. They were arrested and brought down and had a trial before the commissioner, and were discharged upon the defense of an alibi.

Question. All five of them?

Answer. Yes, sir; all five of them. In addition to his own testimony, there was the testimony of his wife and brother-in-law, and an old colored man that lived with him. Strengthening that was a white man, who swore that he saw what looked like it might have been some thirty or more passing like a streak of white in the night, passing his house and going to Watley's house, about half a mile farther, on that night; that the way he came to see them was, the dogs kept up a tremendous howling and barking, and he got up and looked out, and saw them going down the road. That was the testimony of a white man, whose name I do not remember now. I have a memorandum of it at home.

Question. How far did they take him from his house?

Answer. A short distance; I think only across the fence.

Question. Do you recollect how many blows were inflicted?

Answer. I think he said they hit him about fifty or sixty. He was pretty badly whipped.

Question. Did these five men that he identified live in that neighborhood?

Answer. They lived five or six or eight or ten miles from there. They did not live in the immediate neighborhood.

Question. They proved that they were at home that night?

Answer. At home, or some other place. One of them, Doctor Leonard, proved by a man that lived with him that he was at home; that he went home about 11 o'clock and laid down on his bed, having lit his lamp. A man who slept in the room said he was awake during the night, and read there by his lamp all night.

Question. Did the commissioner discharge him?

Answer. Yes, sir; that was his proof of an alibi. The others proved alibis, but of different characters; men that went to bed with them in the same house, and knew that they could not have got out without their knowing it, or other proof.

Question. Do you recollect of their making any threats to this colored man if he should tell on them?

Answer. He swore that they said if he ever told on them they would kill him. They have all been sworn to that, in all cases that I have ever had.

Question. Has he left that neighborhood?

Answer. He has been back a few times, looking after his business, but very quietly. He is spending his time at Montgomery, and, I reckon, is there now. He is afraid to go back to live.

Question. You say his statement was verified by the testimony of his wife and brother?

Answer. His brother-in-law, not his brother, and an old man who was living in one end of the same house, a colored man.

Question. You say his person exhibited abundant proof of the truth of his statement?

Answer. Yes, sir. There was no doubt about his being whipped.

Question. Does that finish all that you wish to state?

Answer. There is one other case that I will mention, that I know of by certain evidence having occurred in Coosa County. It was an examination before a grand jury of a white man. I think his name is Lafayette Thomas. I had heard of the transaction, as of a great many others, and I had heard that he knew something about it. I sent for him, and he proved that some time last year—I do not remember the exact date—there was an old colored man of about seventy, a blacksmith, who lived on his place, against whom he knew nothing except that the old negro was a little quarrelsome among the negroes. I forget the old man's name, but this man Thomas stated that one night, some time late in the night, twenty or thirty persons—it is my recollection of the number as he gave it—of disguised men, with white gowns and caps, rode up to his house and inquired for this old negro and other parties. He said that he told them where this old negro lived, which was a short distance from his house, on his place. That they went off in that direction, and some time afterward the old negro sent for him, and when he got down there the old negro was very badly whipped, and these men were around there. He said that they left, and they were so disguised that he did not know any of them. I had heard that the old negro had died from this outrage, but he said that was a mistake; that the negro got up again, and was able for a time to work in the blacksmith-shop, and he had seen him there at work; but he had died since. The negro is now dead.

Question. Did he make this statement under oath?

Answer. Yes, sir; he stated that under oath. In addition, he said that some time before that, while he (Thomas) was from home, he had a corn-crib burned, and at first there was some suspicion that this old negro might have had some hand in it. I asked him if he afterward became satisfied whether the old negro had or had not done it. He said he had become perfectly satisfied that the old negro had nothing to do with it whatever; that it was done by a white man, who had since run away from the county.

Question. Did Mr. Thomas, in his statement, give you the pretext for the whipping of this negro?

Answer. He said he had heard no pretext, but he suspected that the burning of his crib might have had something to do with it. I asked him particularly as to the character of the old negro. He said that he knew nothing against his character, except that he was regarded as old, and childish, and quarrelsome.

Question. You say he was very badly whipped?

Answer. Yes, sir; he said he was very badly whipped.

Question. By twenty or thirty persons?

Answer. Yes, sir. He went down there, and these men were scattered around there, and soon they went off.

Question. Did he describe them as disguised after the manner of Ku-Klux?

Answer. Yes, sir, with gowns. I asked what the negro wanted with him. He said that when he got down there the negro said, "Massa, these men have whipped me, and made me acknowledge that I burned your crib, but I did not do it, and I wanted to bring you here and tell you that I did not do it. I said that to keep from being whipped."

Question. Were these injuries supposed to have contributed to the old man's death?

Answer. I have no knowledge of that. The first account I had was that they had whipped him, and he had died a few days afterward; but when I examined Thomas,

he said the negro got up so as to be able to work, for he had seen him at work a month afterward in the shop, and afterward I understood that he was dead. I do not know of what he died.

Question. When did that occur?

Answer. That occurred some time last year.

By Mr. BUCKLEY:

Question. The other cases you mentioned I think you stated occurred this year?

Answer. Yes, sir, all the others.

By the CHAIRMAN:

Question. If you are through with Coosa County, give any other cases that came to your knowledge.

Answer. One case came to my knowledge that I was investigating before the grand jury in Macon County.

Question. Will you give us the particulars of that?

Answer. Last year, I do not remember what time in the year, they had a difficulty there at a negro political meeting, and that seemed to be among themselves so far as any facts that I could get. One or two of the negroes were shot. Alston was shot in his house afterward by, or supposed to be by, negroes. A few nights after that, or some short time after, the negroes were holding a religious meeting in a church, and I think myself the proof developed that those who attacked it thought that they were holding a political meeting probably. A crowd of disguised men came up in the night—it was a night meeting—and fired into the church, as the proof developed. I had one of the men who was shot brought before the grand jury. They killed one—I am not certain but more—and wounded two or three.

Question. Did you investigate the particulars of that case, and ascertain whether these disguised men were white or black?

Answer. They were in disguise, and nobody could identify them either as colored or anything else.

Question. What was the character of the disguise?

Answer. As well as I remember it was something of this Ku-Klux disguise which they had on. I never was able to ascertain who did it, nor has anybody ever been punished for it. I investigated that before the last grand jury, but I could not identify them. I have got some witnesses since, from whom, I think, probably I may get hold of some of the parties.

Question. How long after the political meeting did this religious meeting occur?

Answer. It was a short time; I do not remember how long.

Question. Did the evidence show that there was a connection between the two?

Answer. No, sir; except the negroes had just met there to hold a religious meeting, and it was shot into, and that it was done by a crowd of disguised men. It produced such confusion, and running, and scattering that nobody could tell much about it.

Question. Does that finish all that you know in regard to that transaction?

Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Will you now pass from that section of the State or county?

Answer. I believe so. I have heard accounts given to me of a great many other things, but I have not had sworn statements about them.

Question. Then, with the permission of the chairman, I will ask a few questions before you leave that particular section. In your investigation of these cases, before the United States commissioner, did you find it difficult to identify parties?

Answer. Extremely difficult, and the only parties I ever had identified were the parties I have given.

Question. This difficulty grows out of the fact that these outrages are committed in the night and by men in disguise?

Answer. Yes, sir.

Question. You have spoken several times of parties proving an alibi. Is that the general form of defense in the cases you have tried?

Answer. I have never tried a case yet where that defense was not made, except the case I spoke of where that colored man was whipped, and they made no defense at all.

Question. But in all other cases the alibi was resorted to?

Answer. Yes, sir. In every other case, I believe, the alibi is the defense.

Question. You spoke of a question of labor and remarked that a witness had said that he heard these disguised men declare that the colored men must scatter out. To what extent does that effort to control the labor extend, in your opinion?

Answer. Two cases I have given; then from what I learned from Mr. Crawford in a long conversation I had with him—all of which I have not given—it seems to me to be pretty prevalent in that region of country particularly.

Question. In all the cases you have examined, have you found any case in which persons belonging to the democratic party have been whipped or scourged?

Answer. In no instance do I remember any such case that I have examined myself. We have got a case pending in the district court that was not got up by me, although I presented the bill. He was bound over at the instance of other parties. That is the case against Mulligan and a colored man. A man named Smith was whipped by Mulligan. Both, as I understand it, are democrats. That was a personal matter as I understand it. Old man Mulligan and Smith had had some transactions about which they were likely to go to law, and Smith published upon Mulligan a very severe publication, and, if untrue, a very severe libel, and Mulligan, as the allegation was, waylaid him on the road, with a colored man, and gave him a very severe drubbing. For that Smith employed lawyers to prosecute, and they saw proper to bring it into the United States court. An indictment has been found. There is no pretense in that case that there is anything like Ku-Kluxing in it. They just waylaid the man on the road, and he has indicted them for confederating and banding together. They are all democrats, and there is no pretense of their being Ku-Klux. Therefore I did not speak of the case. That is the only case I know of anybody being whipped or mistreated by any of these bands except republicans.

Question. Have you ever heard of any man being convicted by the State courts for putting on a disguise and trespassing on the person or property of a citizen of the State?

Answer. I do not think that such a conviction has yet been had in this State, and so far as I know there are very few such indictments in the State. Over here in Limestone they have got some of them in jail, but in that region of which you ask, no indictment has been found.

By the CHAIRMAN:

Question. Now resume the narrative you were giving of the cases you have examined?

Answer. The next case I examined was a case I was called up here to examine in Huntsville. The witnesses in that case I presume you will have before you. The colored man is here; the white man, Goodloe, may not be here.

Question. Do you refer to the case of Henderson?

Answer. Yes, sir; that is a case in which the allegation is that a band of disguised men took Henderson out in the night-time and attempted to drown him, and probably thought they had drowned him. He swore that he recognized three of these men—Holseapple, Malone, and Lindsay. There were five men in the party, of whom he recognized only three. I investigated that case here. They proved an alibi.

By Mr. BUCKLEY:

Question. Will you state the time when this occurred?

Answer. It occurred a little over a month ago. It was right fresh when I came up here.

By the CHAIRMAN:

Question. Was it in Madison County?

Answer. No, sir; this occurrence took place in Colbert County, and they were brought here. It was investigated. Now as to whether or not that thing was done, the evidence was this. He swears it was done, because he had got into a difficulty with them about his labor, and one of them having threatened him he had him bound over. This party alleged that his going to law was the cause of this affair. Henderson says they tied him; but he will give you a detailed statement. I will only say that he testified that they tied him, and threw him into the river. I will not take time to go over it. In the investigation, while I could see no marks on his person, as in the cases of the parties whipped, Mr. Goodloe, a white man, who saw him next morning, took the track which the negro said he had traveled; where he said they had taken him; where they had a little fire; where he got on the horse at the corner of a fence; where they took him to the river and put him in; and where he crawled out; and the prints of his arms showed where he crawled out; where he was on a stump, &c., all that was corroborative of Henderson's statement before the commissioner. Mr. Goodloe also swore that when Henderson came in the next morning he had on his arms marks where skin was slipped off as an abrasure made in coming out of the water. His eyes were bloodshot, as a man nearly strangled. In that case the three parties that he identified were discharged upon proof of an alibi.

Question. Is Mr. Goodloe a man of good character and standing?

Answer. A man of as good character and standing as any I reckon in North Alabama, and one of the most wealthy before the war.

Question. You heard his statement?

Answer. Yes, sir; and I think I never heard a thing better corroborated in my life.

Question. As we shall have Henderson before us, probably, you may pass from that case.

Answer. Yes, sir, I will. The next I had knowledge of, but which I did not examine, except that I talked with the witnesses whom you will have here, is a case that occurred over in Limestone County.

Question. You refer to what case?

Answer. The case of Weir. One man is in jail here now for that. I will say that, in that county I think there are six or seven men indicted under the State Ku-Klux law, who are now in jail in addition to those here in jail. I was telegraphed to go over and hold a conference there. I went over and held a conference with the men there. Judge Spaulding, the United States commissioner, a republican; Judge Common, the probate judge, a republican; Daniel Coleman, the county solicitor, a democrat, and then with all the leading democrats about town. Most of the white men are democrats. Some of them were in favor of my commencing an immediate prosecution. The State was prosecuting. Some of them, perhaps, thought differently. I conferred with them freely, and seeing the vigor with which the State was prosecuting, I believed if there was anything in appearance, that if they ever tried a man and proved him guilty, they would be very apt to convict him, and I came to the conclusion, for the present, to leave it in the hands of the State.

Question. You speak now of Weir's case?

Answer. Yes, sir; and I advised both of the parties and Coleman that if they could convict under the State law of Alabama, which is quite as severe as any law of Congress, that I thought the effect of it would be better even than to convict under the United States law. I said I would not interfere with the United States law until they showed what they could do, as I thought that would have a better impression.

Question. Do you recollect the act passed by your legislature, entitled "An act for the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages," approved December 26, 1868?

Answer. Yes, sir; in which it is provided that the mere having on of disguises is evidence of intent, and punishing the offense with twenty years imprisonment in the penitentiary. As I did not intend to stay up here, I authorized Dan Coleman to use my name and the laws of the United States in any of these cases that he thought proper.

Question. Before we pass from this matter, I wish to call your attention to the preamble of this act to which I have just referred, and read it to you and inquire of you how far the recitals are, within your knowledge and information, true:

"Whereas there is in the possession of this general assembly ample and undoubted evidence of a secret organization in many parts of this State, of men who, under the cover of masks and other grotesque disguises, armed with knives, revolvers, and other deadly weapons, do issue from the places of their rendezvous, in bands of greater or less number, on foot or mounted on horses in like manner disguised, generally in the late hours of the night, to commit violence and outrages upon peaceable and law-abiding citizens, robbing and murdering them upon the highway, and entering their houses, tearing them from their homes and the embrace of their families, and with violent threats and insults inflicting upon them the most cruel and inhuman treatment; and whereas this organization has become a wide-spread and alarming evil in this Commonwealth, disturbing the public peace, ruining the happiness and prosperity of the people, and in many places overriding the civil authorities, defying all law and justice, or evading detection by the darkness of the night and with their hideous costumes: Therefore,

"SECTION 1. *Be it enacted," &c.*

My inquiry relates to the time of the passage of this law, the preamble of which I have read, and which was approved December 26, 1868.

Answer. I think when that act was passed there was no doubt about it, and I think to some extent, the same thing yet; but I do not think it is as bad now as it was then. I think things are growing better.

Question. You may resume your narrative.

Answer. I have said all I believe that I wanted to say about Limestone. I left that case under the charge of the citizens and State authorities.

By Mr. BECK:

Question. You have not given us any idea of what that Limestone difficulty was about.

Answer. I can give very shortly just about what that was. There has been a bad state of things in that county for a good while. They have got seven or eight men in jail there, indicted under this Ku-Klux law. The particulars of their cases I know nothing about. It is for this late transaction that Moore is brought here and in jail.

By Mr. BUCKLEY:

Question. Was Moore tried before the commissioner here?

Answer. No, sir; he waived examination. He is indicted under the State law, and was bound over by the probate judge—Judge Common. An old man by the name of Weir has lived in that county for a great many years. He was a strong Union man before, during, and has been since, the war. He was a justice of the peace before the war. During Patton's administration he was not a justice. When Smith came in he was again appointed justice of the peace. He is a farmer, and owns a little farm

over there, and is also a mechanic. So far as I could learn from anybody he was a man who had always sustained a fair character and reputation.

By the CHAIRMAN:

Question. Is he a white man?

Answer. Yes, sir; as a mechanic he had engaged to work for a man named Blair and this man Moore, and probably by their contract they were to pay him in corn. They were running a distillery, for which there is a warrant out now on the ground that it is illicit. As he stated to me he never could get his corn when he would send for it, but they were always ready to send him whisky. They being men of more power and means than he was, he could do nothing. He fell upon the plan to have his wife go to them and tell them not to let him have any more whisky. They asked him about that and he said what his wife said was right. Then they had some difficulty about that. He moved his tools away from that shop to his own shop. One of them sent for him to come down to that shop to do a job of work. He told them he would do it if they would send it up to his shop; but he could not go there to do it. They got into a controversy about that. This was in March. Finally they charged that he had advised a couple of negroes to take a couple of mules and leave. He said it was not true; that the negroes had complained to him that they would not pay for them. He said that they came to him for advice, and he had advised them if they could not get their pay from these people to go and work for those who would pay them. They brought up the negroes, one or both of them, and the negroes corroborated these other men in their statement which they then made; but they say now that they were made to do it. Upon that these parties took him out and gave him a severe whipping, lynched him. That was in March. They were not in disguise then, and he knew all these men. He had thought to just leave the country. Some of the citizens, however, advised him against it. Finally he went and indicted them under the State law for lynching. He became afraid to stay there then and went off into Mississippi. Court was approaching. It was about last Sunday two weeks ago when this last thing occurred. One week from that time—that is, the Monday following the time when they took him out—the probate court was to be held, when these parties were to be tried. He had come back home and was at work, with the sheriff, across the river from where these parties lived. On Sunday he came home and his wife told him she did not think he was safe; she had seen so many men moving about. Within about ten minutes after he got there, and just as he was going for his coat to go out, he was surrounded by five men in disguise. They took him out a piece; tied him; blindfolded him, and started off with him. They got some distance—I do not know exactly how far—and they put a rope around his neck and put it up over a limb. He thinks they intended to hang him, and probably would have done it, but when they put him up the rope broke. They then tied the rope and started and drew him up again, but did not draw him off his feet, and finally let him down. He was blindfolded at this time, but he could hear the men coming in and going out all the time. He thinks there were fifteen or sixteen men coming in and going out. The reason they did not hang him seems to be that they had heard in town of his being carried off, and the sheriff and the county solicitor got up squads; each one got up a seperate squad and started out after these parties.

Question. Were they citizens of the place that he heard going back and forth?

Answer. He could not tell who they were; but the presumption is that they were members of their Klan. He thinks they were putting out sentinels to hear and see. They finally took him to the river. On Monday they took him to the river.

By Mr. BECK:

Question. Took him to the river in the day-time?

Answer. Yes, sir. They took him there and ducked him a great many times until he was nearly dead. Finally, they took him out. When they took him to the river they took off his blindfold. Then they tied about twenty pounds of rock to his neck and dragged him through the river until he was nearly choked and drowned, and took him out on the bank; and they, no doubt having heard that he was being searched for, told him they had concluded to spare his life upon one condition: that was, that they would keep him a prisoner until after the trial which was to be had, while he was to write back to his wife and daughter that he was out on a spree, that nobody was hurting or intended to hurt him, that he would be at home in good time, and they must not go to court. After court, they said, they would release him, and then he was to always tell this tale, and if he ever told what they really had done with him, they would be certain to come and kill him. Meantime, the citizens were close after them, and they took him out in some swamp and kept him chained all night. Finally, on Tuesday, they turned him loose—perhaps Moore and another man alone were with him. They turned him looose upon a solemn promise never to divulge these things, and take his family and go right off. He went home intending to do so, thinking himself unsafe; but meantime the citizens found it out, and went there and would not allow him to go

away, but took him to town and said the thing must be prosecuted; that it had gone too far. In the mean time, Johnson and Gibson, two men prosecuted, have run off from the country, and Moore is here in jail. Now, if I was to give my opinion as to how much politics has to do with the original thing, I would say this, from what I have talked there. I do not believe that the original lynching was done from political feeling, but I believe that republicans being in bad odor, and the popular prejudice so strong against them, these men who lynched him presumed upon lynching a republican when they would not have lynched a democrat.

Question. They did it to get his labor?

Answer. That is my hypothesis.

By Mr. BUCKLEY:

Question. He was appointed a justice of the peace by Governor Smith?

Answer. Yes, sir. He was out during Patton's administration.

Question. A democratic administration?

Answer. Yes, sir; and Smith appointed him under the reconstruction. I understand that he was an original Union man and always a republican, but he is a man who says but little. Judge Common is a republican; Dan Coleman is a democrat; Lentz, the sheriff of the county, is a republican.

By the CHAIRMAN:

Question. Proceed with your narrative.

Answer. The next case that occurred here was a colored man—I ought to remember his name but I do not—who came from Walker County. He swore out a warrant against some six or seven men that he said he recognized in a disguised crowd some time during the last month or so, that had come to his house and taken him out. I think he said there were in the crowd a good many more. They took him out and whipped him, as he alleges them to have said, because of his probable intention to move up from there into this valley. It was to prevent him from doing that, and was on account of his talking about it. His statement is, that he has a brother living up here in the valley; that he received a letter down there in Walker County, advising that he could do better up here; that he got some of the neighbors to read the letter, and when this party came in disguise and took him out—he says they were in the white disguise, I believe——

Question. Answering to the description of the Ku Klux disguise?

Answer. Yes, sir; something of that description. They took him out and asked him about his moving up here; they told him they would learn him how to do that—or something of the sort—and gave him a severe whipping, and then said, "Now go to work and we will not do it any more." He says that at the same time there was a colored woman living with him and his wife. They asked what was she going to do; she said she would remain with him and his wife. They also whipped her. He identified six or seven in that crowd—seven, I think. The warrant was issued here. As I was going down to Fayette I took the warrant with me and the marshal went along and he arrested six of them. This morning their friends came up here and waived an examination and gave bond.

Question. What is that man's name?

Answer. I cannot remember it; I can get it at the clerk's office. He is now down at Decatur.

Question. Did he state how large the crowd was?

Answer. He did; there were several more men than those whom he recognized; he only recognized six, but I do not remember the whole number that he said. That is all I know of that transaction.

Question. How severely was he whipped?

Answer. He said very severely—thirty-nine or forty lashes, I think.

Question. How as to the young woman?

Answer. He said she was whipped pretty badly. It was for this reason of leaving. He said to me that in that neighborhood and region of country colored persons were not permitted to, and could not, enjoy any more privileges than before the war; that they had never dared to vote or exercise any of their privileges, and for that reason he wanted to go away. I am pretty well satisfied myself that that allegation is true in a great measure at least, from a long interview which I had with Judge William S. Mudd, judge of that circuit. I talked with him a good deal, and his general statement corroborated the statement of the negro as to the general condition of negroes in that region.

Question. Where does Judge Mudd live?

Answer. At Elyton, in Jefferson County; the railroad runs from there to Montgomery. I had a report sent to me from the military headquarters at Louisville, made by a lieutenant who had been examining matters at Fayetteville, in Fayette County, and my attention was called to it; also, some instructions from the Department of Justice that that was a point that needed some attention, and proposing to send some troops if

necessary. The information they had got from that county—I had not got it before—was that the civil process could not be executed by the sheriff; upon that, I wrote to the sheriff some time before I left Montgomery, desiring to hear from him before I left. I got his answer after I got here—it was forwarded to this place—in answer to several questions I had asked him, and at the same time proposing to meet me on the 10th of last month at Decatur. I went down there and met him; had an interview with him; and from his statement to me, and other things coupled with that, I dispatched General Terry and he sent me a squad of sixteen or seventeen mounted men; with them and the marshal here I went down into that county.

Question. Did you institute any investigation there?

Answer. I had a very considerable investigation, which I will try to give you, as succinctly as I can to give the idea. I learned that on or about the 31st of October, 1870, by some means or other, they had ascertained, or rather had got such statements against a man by the name of R. G. Davis that he made a confession, and they took him before the probate judge, and he swore to some several parties belonging to one company—as they call them there—which was known as Captain Stewart's company, stating that they had been out on a raid, whipping and scaring negroes. A warrant was issued for several parties and placed in the hands of the sheriff by the probate judge for their arrest. At or about the same time he had several capiases against several parties for outrages that were committed just before that. Along in or about the same time two negroes had been killed over there somewhere, and nobody could ascertain who had done it. The sheriff summoned a posse and arrested these men under this warrant. He arrested some men under a capias, and arrested some men without a warrant, who admitted that they belonged to a Klan, and who, it was supposed, had something to do with that murder. The parties arrested under the warrant, although one term of the grand jury, I know, has passed since, seem never to have been presented by the grand jury. Davis was in the county up to the meeting of the last court, but when I sent out a warrant for him to arrest him he could not be found.

Question. Had he never been recognized to appear as a witness?

Answer. I believe he was—the judge told me so—but, from some cause, he did not appear. The parties arrested under the capiases had been discharged, most of them because witnesses could not be got.

By Mr. BUCKLEY:

Question. What was the trouble in getting witnesses?

Answer. That these parties would not allow it. At, I think, the last court, probably, before this, two disguised men, while court was sitting, rode through the court-house yard. Judge Mudd himself saw them, and ordered the sheriff to go out and arrest them. It was either the last court before or just before that. The sheriff came in and reported that he could not do it. They were considerably cheered as they rode through. The judge called up the petit jury—I think it was in the midst of a trial—and discharged them. He called up the grand jury and commenced addressing them preparatory to their discharge, and was going to adjourn court, when two of the lawyers—Mr. Jones and Mr. Terry—went in and prevailed upon him not to do it, saying that he would not be disturbed any more; and he probably was not disturbed further. At the court before that, I learn from the judge, as well as other parties, that there had been dropped on the street a letter, addressed perhaps to the court and grand jury, and, it may be, the sheriff, saying, "Go slow"—I believe that was all that was written on it—with a coffin at the bottom, in the middle, a rope on each side of it, and the words, "Go slow," signed "K. K. K." They had got to such an extent in that county, which was perhaps preceding this——

By the CHAIRMAN:

Question. Before you pass from the occurrence you have just been testifying about, will you state the time when this occurred—the dropping of the letter and the riding of the Ku-Klux through the court-house yard?

Answer. I suppose the dropping of the letter was about twelve months ago, and the riding of the Ku-Klux through the court-house yard about six months ago. Last February there was a convention held for the nomination of county superintendent of education. A man by the name of Peters—D. F. Peters, I think—was nominated. At that convention men came in in their disguises, went into the court-house, and, as I am told, citizens without disguises went in with them and held a convention.

By Mr. BUCKLEY:

Question. A political convention?

Answer. Yes, sir; for the purpose of nominating this candidate for office. Peters was nominated, and, I think, elected.

By the CHAIRMAN:

Question. Was he their candidate?

Answer. He was the candidate of that convention.

Question. Was he the candidate of the Ku-Klux?

Answer. These Ku-Klux gentlemen went in there disguised and held a convention.

Question. How many men went in without disguises?

Answer. I can't tell. I learned of some of them. Mr. J. H. Terry, a lawyer there, was one. They said he presided over the convention. A man named J. S. Clifton was given to me as one. Both are summoned to appear before the grand jury. Some time before that, the date of which I could not get, these disguised men, or some disguised men, gave notice that they were going to hold a meeting in town and invited the citizens to participate. That meeting was held at night. They came in disguised, got the court-house keys and went in there and held a meeting. I am informed that some of the citizens went in and were in that meeting. Mr. McConnell, a democrat and one of the largest farmers there, who works a great many negroes, I talked with, and he told me that he staid there that day and until they met that night in order to see what was done. He said that when he went to the court-house to go in, he was told that he could go in if he could give the sign, or if he would take an oath. That bluffed him off, and he turned away and used an expression, perhaps, "I will see you all in hell before I will do it," and went off.

Question. In that meeting with the disguised men, were some of the citizens undisguised?

Answer. Yes, sir.

Question. When was this meeting?

Answer. Some time prior to February, 1871. The sheriff, it seems, had very much enraged them on account of these raids he had made, which I have spoken of before—they call them raids, arresting these parties—so much so that the prejudice against him was extremely high at the time and at the court before the one when I was out there, about twelve months ago. He was then at the town; he lived just out of town a piece, but was then sleeping in a hotel at Fayetteville; and this same Mr. Terry went in the night and wakened him up and told him he had better leave, that they had determined to kill him that night. He got up and went out and remained out all night in the rain. There were circumstances of that character, and threats against him were strong and the danger so great that he disposed of his farm near town. He did not resign his office of sheriff, but went over sixteen miles from where he had lived, leaving a deputy named Talliaferro Scott. Scott, as I heard him swear in court in cases that we tried, held the office about a month, and some thirty disguised men came to him and told him he must turn over his papers to Treadway, the sheriff, and let him execute his papers himself. Treadway was not there, but he went to the office and turned them over to the clerk. This man McConnell and Treadway lived on the same road near each other, and both of them were sworn in these cases. They said that the time Treadway was there, after the excitement got up, it was almost a constant thing for a crowd of disguised men to be passing along the road, shooting guns and threatening. They knew that Treadway frequently did not sleep in his house at all until he got away. After Scott resigned, Treadway went down to try to make an arrangement to get another deputy, and proposed to Mr. Ennis to take the place. Mr. Ennis was one of his securities. His business was in such a condition that he was not willing to give it up and wanted it wound up. Ennis went around and talked with the citizens, with some other parties, and finally agreed to try it. He has been holding it since. He told me he had not had any trouble in executing any process, such as he had had, but he had had none against this Klan, for these outrages.

Question. Is Ennis a republican or democrat?

Answer. A republican. While Treadway was down, at that time, having Ennis appointed, there was a man whose name I now forget, who had been arrested and who was understood to belong to one of these Klans. He had given security. He had been arrested, not for Ku-Kluxing, but for assault and battery, or something of the sort. The security of the man Scott had arrested, brought him up to Treadway to deliver him up, and Treadway refused to take him on the ground that he could not safely hold him; that his life was threatened whenever he attempted to execute the office. Now, out of all these transactions, when I got down there I found no indictment against one of these parties, not a single indictment there that I heard of except one for anything growing out of ku-kluxing, and that one was dismissed by the solicitor while I was there because he could not get the testimony. At the same time the sheriff and his posse was indicted in some ten or twelve or more cases.

Question. What for?

Answer. That is what I am going to give now. He was indicted for a voluntary escape in refusing to take this man that the security offered to give up. I tried that case, and upon that trial I brought out all the particulars I have been telling you in relation to those threats against him, and the demonstrations of the Ku-Klux. The court permitted me even to ask the opinion of some of the witnesses whether he could have done it, and the proof was such that he was acquitted by the jury on the ground that he could not do it; that he could not hold the man safely and execute his office. Another indictment that was tried was for a voluntary escape of a man, whose name I

forget, but who was a desperate man. He had been indicted, I believe, for shooting his pistol on the road. The indictment was pending. Treadway did not have the capias, but it was understood down there in the neighborhood that Treadway was going down to arrest him, to get this posse and arrest him. The neighbors thought there would be difficulty. One of the neighbors, named Sam Appling, told Treadway that he would advise him to go down and see this man and talk to him, and the sheriff went with Appling to his house, and talked to him, telling him that he wanted peace in the country; that he wanted to have no difficulty, and reasoning with him until he got him pacified; advising him to come up and give his bond. The man promised to do it, but instead of that he went off to Mississippi afterward, and he has since been killed. For that transaction the sheriff has been indicted for voluntary escape. He was tried and acquitted upon the ground that it was the only course which he could have pursued; that if he had taken the capias along he could not have arrested the man. He had, while making up this posse, arrested one man. The court would not let me prove what I am about to state. I will have to state it particularly. He arrested him without a warrant. We set up as a defense that this man, if not guilty of a felony, was yet pointed out by the circumstances so much as to justify the sheriff in making the arrest. The circumstances were these: Two negroes had been killed shortly before in that county. Nobody could find out who had done it, but this man having admitted that he was a Ku-Klux, it would authorize the sheriff to arrest him as being connected with that murder. The court held that unless I could prove that the Ku-Klux had killed the man, that was not competent testimony. I differed from the court upon that, but notwithstanding that, I brought in such proof that he was acquitted. The jury believed that he had probable cause to make the arrest, and he was acquitted. In another case he had a warrant. The prisoner swore that the sheriff put his pistol against him and said, "Now, give up." For that the sheriff was indicted for assault and battery. He was acquitted on that charge. These are the only ones on which he was tried. There is an indictment yet pending against him upon a charge of a challenge to fight a duel. That was not tried this court, because the witnesses were some of those parties of the Ku-Klux against whom there were warrants, and who had run off to Mississippi, and the solicitor continued the case.

Question. Are the prosecuting witnesses, on these indictments, persons supposed to be connected with the Ku-Klux organization?

Answer. Nearly every one of them.

Question. Is the county solicitor a republican or democrat?

Answer. A democrat.

Question. Resume your narrative.

Answer. Two of the witnesses I remember distinctly who swore against him in one of these trials—the trial for assault and battery—are the two men I brought up here, who were bound over by the commissioner down there.

Question. Let me inquire in relation to the solicitor in the prosecution of these cases. After the facts were developed, as you have stated them, did he make any effort to obtain a conviction on these indictments?

Answer. Yes, sir; he argued them all.

Question. Argued them to the jury?

Answer. Yes, sir; although I told him that I thought it would be to the credit of his county to have a *nolle prosequi* in all these cases, and the court would have allowed him to do so, but he refused to do it.

Question. The sheriff is a decided republican?

Answer. Yes, sir.

Question. Proceed with your narative.

Answer. The case of a challenge to fight a duel was where he had arrested this man Mosely, for whom I had a warrant. When he arrested him, Mosely remarked, "You have your crowd around me now and I can't fight you all; but you have taken the advantage of me;" and the sheriff answered, "I have just arrested you, but I am not afraid of you, and I am willing to fight you anywhere and any way you see proper." For that he was indicted for challenging to fight a duel. Treadway said this man was one who had been shooting into his house, and he was somewhat enraged against him. In that case the parties had some of them left the country, and the solicitor continued the case, although the court intimated that he might *nol. pros.* Then there was an indictment against one of his guard. In making these arrests at an old man's house named Marshall, they found two of these Ku-Klux disguises. The sheriff directed this guard, whose name was Larrimora, to take these disguises. They have since been sent off to the military. For that act, this man Larrimora was indicted for petit larceny, for stealing two dusters. That case was not tried, because they did not have the witnesses there.

Question. They were Ku-Klux disguises?

Answer. Yes, sir. They were described as a white smock, buttoned down to the knees, with big loose sleeves, and a cap over the head; the eyes and all that painted, and with something like teeth, and whalebone running up and making long horns.

Larrimora still stands there indicted for petit larceny in stealing two dusters. Another indictment against one of his guard was this: The sheriff had some of the best citizens down there with him. E. P. Jones, a lawyer, who defended in this case, was one of the guard. The sheriff directed them, wherever they saw any arms, to take them. In one house there was a pistol, and he directed one of the guard to take it, and he did it. The witness admitted that he got it back two days afterwards in as good order as it was when taken. Still that guard was indicted for petit larceny in stealing that pistol. Another one of his guard was indicted for petit larceny for stealing a gun under similar circumstances, just taking it away. These are the indictments I remember. I got hold of two of the men who were in that warrant and had them arrested; in fact, I issued the warrant for all of them. I got two of them—Oliver Godfrey and John Humber—had them arrested and took them before Judge B. W. Wilson, who is United States commissioner. The others were reported as having left. I could not get Roberts, who had made this affidavit, as being one of the parties, but they were bound over upon very clear proof of their admission. They admitted that they had belonged to the company after they found that Roberts had made the admission, and that they had gone out with this crowd and whipped the negroes. I remember particularly that John Humber, in his admission, said he had joined the company upon being told that the object was to protect the women and children in the country from the insults of the negroes, and to protect them from bad white men, and keep the negroes out of office. He said that that was what he was told was the object, and when he found that they were going to do other things he went home that night, after having committed the raid for which this warrant was taken out, and told his father that he would not go any more.

By Mr. BUCKLEY:

Question. That he would not go with these men?

Answer. Yes, sir.

Question. Were they disguised?

Answer. Yes, sir; they admitted that they were in disguise. Many of the disguises were found. Godfrey had merely admitted that he was along.

Question. What time was that?

Answer. This warrant was taken out the 27th of October, 1870, and this thing occurred a short time before. He afterwards said it was on the night of the 20th.

By the CHAIRMAN:

Question. How long had these men been connected with this organization?

Answer. That I never learned. I then managed to get an affidavit against men in another company.

By Mr. BUCKLEY:

Question. A company of disguised men?

Answer. Yes, sir. From the best I can learn there were four companies in that county in the habit of going out in disguise.

By the CHAIRMAN:

Question. In Fayette County?

Answer. Yes, sir. The company of Captain Stewart, of Captain Marshall, and of Captain Hyde, and another company of which I forget the name of the captain.

Question. How extensive were these companies?

Answer. I never could learn. I think it was supposed, and, from the best information I could learn, I judge that there were about two hundred in the whole county in all these companies. Now, the only men I could catch, that I could get affidavits against, were those two I have spoken of. When I first got to Fayette I was about a day in advance of the marshal and his squad of mounted soldiers. I immediately conferred with some men. My object was to get out warrants against the most guilty men in the county, for there had been murders committed there, and have them ready when they came, but I found it almost impossible to get any men to come forward as prosecutors. They were willing to tell me, but they had the alarm upon them and I could not tell them that the military were coming to protect them in it. Finally I got a man named Allen Whitley. A circumstance had taken place in that county, as I had learned from various quarters, and I have not heard it contradicted by anybody: Some few months ago an old man named Cole, living between Fayetteville and Tuscaloosa, and who is now dead, was from home. He worked several negroes. Some thirty disguised men went to his house in his absence, shot at, probably whipped some, and ran off the negro men and ravished the negro women. That was understood to be by Captain Hyde's company. Nobody in particular knew who did it, but it was the general understanding that it was done by his company. I was very anxious to get hold of some of these men. I had sent out to get one of the old negroes who were there, and the man they were lodging with promised to bring them; but he never did. I have subpœnas for them to appear

before the grand jury. I got hold of Whitley and found that he saw a crowd of disguised men that night very near by, and recognized some of them, but he would not make an affidavit. But I asked him to walk in with me before the probate judge, who is a commissioner, and I commenced to ask him in this way. He stated it and I wrote it down; I asked him if he recognized anybody, and he gave me three names. I held it up and made him swear to it, and the commissioner issued the warrant, and I sent out for them, but they were gone and I did not catch them. His statement was this: that on the night that was done he was camping in company with another wagoner named Alvin Smith, within half a mile of Cole's house; that early in the night a crowd of about thirty disguised men passed his camp in the direction of old man Cole's; that late in the night this same crowd came back from the direction of old man Cole's, and as they came back they stopped about half an hour at that camp, and seemed to be fooling around with each other. And while they were thus engaged he recognized clearly three of the men. He recognized Lucian Jenkins, Harrison Hyde, and William Thompson.

Question. Was Hyde the captain of that company?

Answer. That is the general understanding. I do not know that anybody knows positively that he is. That was the first day I could get a warrant. It was about the time the soldiers came in. I sent out and had his house watched that night, but he had left that evening, I learned.

By Mr. BUCKLEY:

Question. As these men were about the camp did this wagoner hear them state where they had been?

Answer. I did not ask him. I was only asking enough to get a warrant, because I knew I could have easily got the negroes, and they could have proved all that. I have never heard this transaction contradicted. It seems to be generally understood down there that that did occur. I understand that some of them ravished an old woman seventy years of age.

By the CHAIRMAN:

Question. When was this occurrence?

Answer. Within the last three or four months.

By Mr. BUCKLEY:

Question. You spoke in this connection a little while ago of a couple of colored men who were killed. Will you state a little more about that?

Answer. The last ones killed. There have been, as I understand, three, some say as many as forty, killed within the last two years. I remember very well from hearing Judge Mudd make this statement that that was a very heavy per cent. of them, as nearly all the negroes have left the county. Perhaps there are only fifty in the county. Out of that fifty two were killed since the last court. They were killed just above town; that was proved in court. A negro man and woman were arrested somewhere up in the northern part of the county, and placed with a man named Hogan, a special deputy, perhaps, to bring them to jail. They had been convicted of petit larceny before a justice of the peace, and bound over; it was some small offense. The man brought them down to within a few miles of town and stopped, and came into town and got some whisky and went back. Where they had them was, I think, somewhere in the neighborhood of Captain Marshall's company's operations. He got his whisky and went back from town, and it is reported since that the negroes were taken out of his hands by disguised men. The negroes were found within two or three days, one shot, and the other hung. The jury of inquest held over them reported that they were killed by some persons unknown. They have never yet been able to ascertain who did it. That was within three or four miles of town.

Question. Were these facts brought out before you?

Answer. Yes, sir. I examined that case in defending the sheriff for arresting a man who admitted that he was a Ku-Klux. It being presumed that these Ku-Klux had done this, the sheriff had arrested one of them for it. In defending him on the charge of assault and battery, I brought out all this, and had the man who held the inquest, this man Connell, examined before the court and jury.

Question. You have spoken several times of Judge Mudd. State to the committee who he is.

Answer. Well, Judge Mudd is judge of that circuit. I think he was judge before the war, and ever since the war. I believe he has been elected judge. He is a man who stands remarkably high. I really hardly know what his politics are. He is very much opposed to all these things, and is a most excellent judge, a man of learning and great ability.

Question. He has had that reputation through the State for years?

Answer. Yes, sir.

[At half after 1 o'clock the committee took a recess until 3 o'clock, when the examination of the witness, John A. Minnis, was resumed as follows:]

By the CHAIRMAN:

Question. When we adjourned you were making some statement in relation to the extent of the Ku-Klux organization in Fayette County. Have you any further facts to add?

Answer. There are two or three other cases that I will speak of, there.

Question. Proceed with your statement.

Answer. I learned while there from a party I deemed very reliable, but was unable to get the witnesses, as they had moved from that county to another county, where I have sent a subpœna for them, that a man by the name of Wooley, who then lived in that county, had, some time during this year, been whipped by a crowd of disguised men, and his wife had been [illegible]

By Mr. PURMAN:

Question. A white man

Answer. Yes, sir; a white [illegible]

By the CHAIRMAN:

Question. When did you learn [illegible]

Answer. This year. The violence upon her was so great that they became alarmed, thinking that she would die, or was dead, and they themselves sent for a physician, who gave her some medicine. The name of the physician I have not now. I had it, and sent for him and for Wooley and his wife.

Question. Did you learn [illegible]

Answer. I did not.

Question. How many were [illegible]

Answer. Some fifteen or twenty.

Question. Were they disguised [illegible]

Answer. Yes, sir; and in consequence of the [illegible] had moved to some county below [illegible] I have [illegible] that two men, very recently—a couple of months before court—[illegible] were whipped by a disguised band of men; I think five or six.

By Mr. BUCKLEY:

Question. Were they [illegible]

Answer. Yes, sir; and the [illegible]. They were not my men. I did not see them. I also sent subpœnas for [illegible] transaction seemed to be very little understood by everybody, and a good many were talking about them. For what purpose or pretext that was done I could not learn, nor do I know for certain what were their politics. I also learned from a man right in the neighborhood, and in his connection, that an old man named Tidwell had been pretty badly whipped by a crowd of some fifteen or twenty [illegible] about how many. He was a republican.

By the CHAIRMAN:

Question. When were these latter outrages committed?

Answer. They were all within this year. These latter outrages were perhaps sometime this last spring.

By Mr. BUCKLEY:

Question. Did you hear what were the causes assigned or the pretext of these last whippings?

Answer. I do not think I did hear any cause assigned for it. I also learned that just before court there was a negro man, not very far from Fayetteville, that had been pretty badly whipped. He was close by there and I sent out for him two or three times. I finally got the negro who kept my horse to go out and get him. He came back and told me the man was afraid to come; that we would be leaving after a while, and he would be sure to be killed if he came; so I did not see him.

By the CHAIRMAN:

Question. Did you learn the particulars of his whipping?

Answer. No, sir; I only learned that he was whipped. I heard a great deal more about negroes being whipped in that county, and perhaps the particulars, but I do not remember now, except one of the last transactions, aside from this last negro that I spoke of. A crowd of disguised men—how many they did not know—went to the plantations of the probate judge and United States commissioner, B. W. Wilson, and this man McConnell that I spoke of—they lived out on the same road, not far apart—a few weeks before court, and shot at the negroes, and perhaps undertook to catch some of them and run the negroes off. I am not sure that they whipped any, but they took one and started. McConnell and Wilson got a crowd and pursued, and relieved one that they apparently intended to hang. There were fifteen or twenty of them, I think,

in that crowd. They were also disguised. That transaction I had from Wilson and McConnell. On my return I stopped and got dinner with an old man named Turner, on the Byler road from Decatur to Tuscaloosa. I found out that the man was a democrat, and he told me that his brother-in-law down in Walker County had very recently been taken out and whipped by a disguised band of men. He gave me the witnesses who knew it, and he seemed to be solicitous that the party should be prosecuted. The man was named Davis. His wife had been a Widow Bonner. It was her brother-in-law who was whipped, whose name was Davis.

By Mr. BUCKLEY:

Question. Did you hear any complaint about the conduct of the colored people living in Fayette County?

Answer. Well, I heard no particular complaint made by anybody of those who were living there. As to those on the McConnell and Bird Wilson places that were whipped, these were men of the highest standing, and they did not seem to know what it was for. They had no complaint to make of their negroes, and knew of none. As to this other negro that I heard was whipped, if I heard any cause assigned for it, I do not remember it. Most generally there is some allegation of something or other, as I have given in most of the cases as far as I heard it, giving the causes which I learned as the allegation for which they were whipped. I always, when I put on foot a prosecution, tried to get that so as to fix my indictment to meet the case. I get the negroes' account of what was done. I heard a great deal more of negroes being whipped, and there is no doubt of it. I will make this statement from my knowledge of the parties, derived as much from Judge Mudd as anybody else through his circuit. There is, no doubt, a very violent prejudice exists against negroes with white men generally, and especially against their exercising any of the privileges that they consider belonging to white men, and among that class of men who never held any negroes that prejudice is very violent. The few men who have not given in to that prejudice are men who owned negroes before the war who have large farms now, and who want their labor. They are the more cultivated men. These men I find occasionally, in both parties, taking a more active part for the negroes than any other men. That man McConnell, for instance, who is a very warm democrat, is as zealous in defending their rights as any man I came across.

By the CHAIRMAN:

Question. What proportion does this class bear to the entire white population?

Answer. A very small proportion. From what I could learn, when the registration first took place in Fayette County, there were, perhaps, two hundred negro voters. They say that now there is probably not more than something like fifty negroes, or not much more, in the whole county. They have gone below to the negro regions, some to Mississippi and some to other places.

Question. I understand you to say that about forty have been killed outright?

Answer. That was the estimate they gave me, that about forty had been killed altogether, and two since the last court, six months ago.

Question. The facts you have detailed were obtained by you, I understand, in your official capacity, while you were in Fayette County, and during a stay of three weeks?

Answer. I only staid in Fayette one week during court.

Question. And while there, your purpose was to learn the exact truth, with a view of enforcing the law against criminals?

Answer. Yes, sir. I learned them in that way, and in engaging in the law-suits against the sheriff, which involved this question, and others of that sort.

Question. Do you wish to make any statement in reference to any other counties?

Answer. I have nothing particular. I would make one statement to show what was the original state of affairs. As I went down to that county, I staid all night with a man by the name of Reason Young, who lives about eight miles below Decatur, in Moulton Valley. He was one of the wealthiest men in all that country before the war, and is still wealthy. Talking about this thing, he told me he had never seen the Ku-Klux but once, and that was in 1869, when some thirty or forty came to his house one night and waked him up. They were all disguised in the same sort of disguise that we have been describing heretofore, and told him that they wanted supper, which he got for them. They told him they had come down from the moon to see to the regulation of things in this hemisphere, and asked him a good many things; if anything was going wrong. He told them nothing that he knew of. They said that was all right, to get them supper. They got their supper, and while about there they learned from some quarter of some person making complaint against an old negro, a blacksmith. He did not know what that complaint was. He said they took the man out, and beat him nearly to death. That was the only time he ever saw them, and that was in 1869. He is a democrat. There is another case that occurred here since I returned home. The probate judge of Marshall County came to me yesterday—Mr. Lask—and told me that a crowd of disguised men a very short time ago had gone out on the

mountain and whipped two women. From all I could learn of him they were probably base women—white women. He said that he had issued a warrant for them; that the sheriff had not executed it, but he thought he would do it; that Judge Wyeth, a lawyer I know very well, a reliable man, a democrat, had told him that it was likely that the laws of Congress had superseded the laws of the legislature, and had advised him to come and see me on the subject. I advised him that, in my opinion, they had not, and if he thought the State authorities would go on and prosecute, and they could protect themselves by this prosecution, I preferred that he do so. After conferring with him some time, and sending word to my old friend Wyeth and others, urging them to prosecute, I concluded not to prosecute, but to let the State court try its hand, which I prefer doing in every case, as I think it would do more good if the State authorities would vigilantly prosecute. I have had several complaints brought to my ears of things that have occurred around in this vicinity, but none to enable me to state certainly the facts.

Question. Have you anything further to add?

Answer. I do not believe that I have.

Question. If you have finished your statement of violations of law by bodies of men banded together and generally disguised, I desire to ask certain general questions. Are your State laws effectual to punish such alleged misdemeanors as those Union men who were maltreated were charged with?

Answer. I think the laws themselves would be effectual if they were enforced, but I do not believe they can be enforced in many places, especially in cases of outrages against negroes, and I do not know as it is much better as to white Union men.

Question. What is the difficulty in the way of enforcing the State laws?

Answer. In the first place, in many cases you cannot get the testimony.

Question. I am speaking now not of persons who have committed these outrages, but of the persons upon whom outrages were committed, and I ask, if the offenses with which they were charged were true in fact, is there any difficulty under your State laws in punishing the Union men thus accused?

Answer. I do not think there is in the main. I do not know but there may be some points of defect in the law; but I think in the main they are on one side as on the other side, and if the laws were enforced they are sufficient.

Question. Are you familiar with the speeches and conversation of democratic politicians in the South? and, if so, state whether, in speaking of these Ku-Klux operations, they deny, justify, or excuse them.

Answer. In most cases, and in most of the speeches I have heard, and in the papers, I have noticed——

Question. I will come to the papers directly.

Answer. In most of the speeches I have heard they attempt to and do virtually deny the existence of such an order. They insist that it does not exist. If I understand their position, it is generally that whatever outrages are committed are not so extensive as represented, and that they are done by a few bad men, and do not proceed from any organization. They deny the existence of such an organization. Then when cases, I have heard, are brought before them, of which there could be no sort of doubt, they have, as a general thing, I think, had a good deal to say about the causes which led to it and the hardships; and, while they would not justify such conduct, yet say that there was a good deal of excuse for it.

Question. What is the tenor of the democratic press on the same subject?

Answer. I think that has been worse than the speeches, as a general rule. I think it has been more so.

Question. Have you read any violent articles upholding these Ku-Klux outrages when committed upon radicals?

Answer. I do not remember any recently; not so much so as years back. A year or two back there were a great many. I have not been in the habit of reading a great many democratic papers. I did not read them, except when something of the sort was brought to my attention. I have been a pretty constant reader of the Advertiser. I have read some articles in that within the last year that I thought very bitter; in fact, he and I had some controversy on that subject.

Question. Is not the scope of the editorials and reading matter of the democratic press throughout the late insurrectionary States, as a general rule, inflammatory and hostile to the General Government and those who administer it, and to the reconstruction measures?

Answer. I think that in Alabama it was very much so up to a year or two back. Since that time there has been some modification, particularly in some of the leading papers. I think they are not nearly so bitter, many of them, as they were.

Question. Do you recollect about how many democratic papers are published in this State?

Answer. No, sir. I know that the Eutaw paper, about the time of Boyd's murder, was extremely bitter.

Question. Do you know a paper in this State or Mississippi called "The Ku-Klux?"

Answer. No, sir; I have never seen it.

Question. Do southern papers, as a general rule, accept the "new departure," as it is called by the northern democracy?

Answer. I am inclined to think that a majority of the people in Alabama do, though there is a difference of opinion on that subject. My opinion is that a majority of them do, but I am inclined to think that a majority of the papers do not.

Question. Is the majority of southern white men opposed to even a qualified negro suffrage? I refer now to the southern democracy.

Answer. I scarcely know how to answer that. I do not know among politicians any man that pretends to discuss politics—any democrat of that kind in this State—who will openly and directly oppose negro suffrage. I think among this class of men of whom I speak that are so bitter to negroes they would not only be opposed to his having the right of suffrage but almost any rights at all. But the politicians, so far as I have heard them express an opinion, seem to accept that, for the present at least, as a settled thing.

Question. Explain what you mean by "the present."

Answer. I mean that that is their expression; they say that. Occasionally they say, "We accept it but we will not be bound." There is such a contrariety of opinion being expressed upon that subject that I can scarcely form an opinion.

Question. Is not the fifteenth amendment more odious than all the other reconstruction measures combined to the Alabama democracy?

Answer. I think it was at the time it was adopted.

Question. Are the democrats making hearty effort to educate the freedmen in view of the fact that they may now vote and hold office, or do they stand aloof and render unwilling aid in the expectation or hope that this franchise will be withdrawn from the colored race?

Answer. I have not had my attention drawn to that enough to say. In Montgomery, where I have associated and am better acquainted and in this place, I have heard no objection to their education. I have heard many say that they wished they were all educated; but I think that out in the country there is more opposition to it. When reconstruction first took place, in most portions of the State where I was, it was dangerous to talk about even attempting to educate the negro at all. It was so in Butler County. They would hardly allow such a man as a teacher to go there. If he did he could not get board in a white man's house. But in that county and where I have lived in Montgomery there has been a great change, and there has been no particular obstruction, to my knowledge, there in the way of their education.

Question. Do they pay this school-tax willingly?

Answer. I do not think I have heard any more complaint of that than any other tax.

Question. What is you opinion as to the power of the courts to enforce the law in Fayette County without the presence of military authority?

Answer. I do not believe, until this recent court when it went there, that it could have been done at all. I had several men sworn, even some democrats, who swore that the sheriff could not execute his office; but I have great hopes that a better state of things in the future will prevail. I talked with a good many democrats there, leading men of the county. They all assured me that they would become active in enforcing the law, to obviate all necessity for outside influence hereafter. I am satisfied that the result of that court, the sheriff being acquitted in those cases, a few men arrested and taken away, the law talked about as to their liability and various other things, that it will leave the county in a better condition, or we shall hear of very desperate deeds being done hereafter. But I hope it will be better hereafter.

Question. In your opinion, will the convictions which have taken place in North Carolina in the Federal courts, under the Ku-Klux act, so-called, have the effect of preventing like offenses in the future?

Answer. My opinion is that that will have a salutary effect. My opinion is that the prosecutions I have put on foot myself in Middle Alabama, even where the parties were acquitted, had a good effect. After these parties had been acquitted, in two or three trials, and had gone home to this county of Coosa, a young lawyer—a democrat—came down from Rockford in Coosa, and I had a long talk with him. He told me he was well satisfied that the thing was existing there, and had been doing a good deal of mischief, and he was equally satisfied that the prosecutions, although these parties had been discharged, had done good; that they had been so alarmed, and I had got so near upon them in the various proofs I had got, and in addition to that the expense was so considerable upon them, they being poor men, or men in moderate circumstances, that he believed the thing was broken up, and they would abandon it; that they knew it would not pay, and that he hoped I would not have occasion to prosecute anybody in that county for anything done afterwards. Since that time I have not heard of anything of the kind being committed.

Question. If you have not already stated, and I do not remember whether you have, you may state now how many convictions have been had in the State courts against

these white men banded together under this organization called the Ku-Klux Klan, for any offense committed upon Union men, white or black?

Answer. I do not think I have heard as yet of any. I do not remember a case now. It is a fact that it is very hard in the best of our counties to convict a white man for any violence done to a colored man, though they do that sometimes; but in cases growing out of anything like a Ku-Klux organization, or men in disguise, I have heard of no convictions in this State as yet. If I have heard of any it has escaped my recollection.

By Mr. BUCKLEY:

Question. I have, Mr. Chairman, a communication written on the 6th day of July last. I would like to ask the witness if he knows of two cases mentioned here, and I will read from this letter, and ask the question. The writer says, "Some four or five weeks since, a negro woman was found senseless, with her little child in the woods, who had been there a day and night. She was removed to the house, came to her senses for a while, and before her death told who it was that beat her. I had an inquest held over her body, and the jury found, from the little evidence they could get, who some of the parties were. A warrant was issued. The parties have never been arrested, and it is said they have gone into [illegible]." Did you hear of that?

Answer. That was in Fayette. I heard of that case, and the men who did it, I understood, went to [illegible] for a while. There was thought to be a good deal of neglect in not getting [illegible]. When I was there last week I understood that they had gone to Mississippi.

Question. "Some short time [illegible] a negro woman, as I have been informed, was shot down in the field when pleading for her life. The party who done it was known, and went off without being in any manner interrupted, and it is said that he is in Mississippi." Did you hear anything of that case?

Answer. If I did, I do not remember it now; there has been so much of that.

Question. "Some [illegible] since, I have been informed, a party of disguised men went to Mr. Cole's, on the Byler road, and whipped the freedmen and women living on his place."

Answer. That is the case I have detailed. My information is that they whipped the men and tied and ravished the women.

Question. He says [illegible] whipping these women."

Answer. Yes, sir.

Question. "I have [illegible] several white men being taken out at night and whipped."

Answer. That, I suppose, was Fowler and Tidwell.

Question. "On last Sunday night eight or ten disguised men came to my place and beat with pistols two freedmen. Their intention was either to kill or greatly abuse them, as they told them before that day they would do so if they would not leave my place."

Answer. That was either Colonel McConnell or Wilson.

Question. "I had two of them arrested, who were recognized by the negroes, but one of them proved by some one that at a certain time on that night he was somewhere else. No attention was paid to the colored testimony, and they were discharged." This was on the writer's place. I do not know whether he objects to his name being used or not.

Answer. I think that was on Judge Wilson's place. Such a transaction as that did occur there. I do not think he would care if his name was used.

Question. It was Judge Wilson, the commissioner.

Answer. He would not care, for they are as hostile to him as they can be now.

Question. Did you hear anything about the collector of internal revenue having to resign his position there?

Answer. Yes, sir; I heard of it, but I do not remember the particulars. He was raised down there and had to resign, and they have appointed another from a different portion. When I was down there I heard a very well-authenticated account of a negro being killed in an adjoining county—Sanford—but it was done by men not in disguise, and so I have not spoken of it. I understand that two men had some dispute about some fruit. One of them was in hauling it out, and the man ordered the negro to get out, and he jumped off the wagon and started to run, and he then shot him. He had not been prosecuted. I heard of a white man being killed under quite as bad circumstances probably, but I did not speak of these things.

By Mr. BECK:

Question. You stated, at the beginning of your testimony, that the troubles in Alabama began at the time of the reconstruction acts and the adoption of the constitution?

Answer. That is the time my attention was particularly drawn to them.

Question. If anything serious existed before that time, you had not observed it?

Answer. I had heard a great deal of negroes being killed and whipped, and all that sort of thing, but I do not know that I had any personal cognizance of anything of the kind. I heard a great deal of that sort of thing, but the bitterness, as I now remember, to which my attention was drawn, commenced about the time of reconstruction.

Question. Had or not, growing out of the reconstruction and the constitution of Alabama, particularly the mode of its adoption, a great deal of bitterness and feeling grown up among the people of this State?

Answer. I think a very great deal.

Question. Did they not believe that Congress had imposed a constitution upon them, after they had defeated it in the mode prescribed by Congress itself, by abstaining from voting, so that a majority of the registered votes was not cast at all?

Answer. That was their allegation and their hypothesis, but not mine.

Question. It was with the great mass of the people?

Answer. Yes, sir; they called it a usurpation, and I heard a great many say they never would submit to it, and there was a great deal of bitterness.

Question. Pretty universally among the white people of the State?

Answer. Yes, sir. I lived at that time at Greenville, and there was a great deal of hostility to that constitution. I knew of some, and I heard of a great many others—white men who lived there—who notified their negroes that if they voted at all, they must leave; that they could not live on their places. There was hostility enough to go to almost any measure to defeat it.

Question. Is it not a fact, while Congress did by its own act provide that unless a majority of the registered vote was cast on the adoption or rejection of the constitution, it should be rejected, and yet, while a majority did not vote, Congress did impose it on these people?

Answer. My recollection is—I have not the thing before me to read it—that that states it a little too strong. My recollection is that the provision was that it should be the constitution if adopted in that way. It is not my recollection that they said it should not be the constitution unless it was adopted in that way.

Question. Did not the act itself provide that unless a majority of the registered vote was cast for it, it should not stand?

Answer. I do not remember that.

Question. Is it not a fact that radical members of Congress first rejected it, and that Mr. Stevens himself spoke of it as improper legislation for these people?

Answer. I have not it before me. I recollect there was something of the sort and much discussion, but I cannot recollect the particulars.

Question. But that state of things created great feeling in the State?

Answer. Yes, sir.

Question. Were not all the officials, the judges, attorneys, members of the legislature, and senators, elected and imposed upon the people of this State at the same time when the constitution was adopted, and when the democrats did not vote at all?

Answer. In some few places the democrats voted. In a great many places they did not vote at all.

Question. Is it not a fact that there was but one democratic member of the senate?

Answer. There was but one place where a democrat was elected.

Question. It was unanimously radical, with one exception?

Answer. With one exception. It is true that a majority of the registered voters did not vote. A majority of the registered voters did not, as shown by the records made by the military authorities. The records show that a great deal better than I can by stating it.

Question. At any rate, you had a constitution imposed upon you under these circumstances, and officials elected to fill all your offices, and who were recognized by Congress as duly elected?

Answer. Yes, sir.

Question. And the fact that that imposition was put upon you caused bitter feeling?

Answer. That caused bitter feeling with those that opposed it. I think at that time, however, that the great mass of the white people of Alabama would have opposed, as bitterly as it was in human nature to oppose—that they would have put all the bitterness into it that human nature would have admitted, in any form or shape that it could have been presented, any government that would have allowed the negroes the right of suffrage, or the privileges that belong to a citizen. I think the bitterness would have been just as strong in any manner in which that question could have been presented, and they would have been as much opposed to the Government, whether they voted or not.

Question. Would they not, but for their understanding of the act of Congress, have opposed with equal bitterness the election of all the members of the legislature and the officials who were imposed upon them?

Answer. A great many of them would have been quite as bitterly opposed to them—I will not say all of them.

Question. Was not the fact that Judge Gardner was put upon the people in that way one of the grounds of their opposing his taking his place?

Answer. That was one of the grounds alleged, and what made the thing particularly bitter in that county was that the man he displaced was a popular one, a warm southern man, and they were very hostile to Gardner and his friends for taking his place, as they would have been to any other man who advocated the doctrines which Gardner did—that is, the right of the negroes to citizenship, and to vote particularly.

Question. You have spoken of some precincts in a county where negroes could not vote with safety. Is it not the law of Alabama that persons, no matter in what precinct they reside, have the right to vote at the county-seat of their county?

Answer. Such is the law, although I believe the last democratic house tried to repeal it.

Question. I hope they will succeed next time.

Answer. I hope they will not. That is a difference of opinion; but it is bad enough as it is.

Question. They can vote now in a dozen precincts in a day?

Answer. I do not think they can, because there is a list of their names by which they will be detected.

Question. By your election laws can anybody challenge a vote for its being cast illegally?

Answer. No, sir; no man has the right to challenge.

Question. Although the man may be seen to vote half a dozen times a day?

Answer. You could not challenge, but you may appear and have the vote stricken off.

Question. But you may see him vote ten times a day, and you cannot challenge him?

Answer. No, sir; but you may have his vote thrown out if it is illegally cast.

Question. Were not all your present judges, and sheriffs, and attorneys, and other officers, except such as have died or have resigned since, elected at the election when the democrats did not vote at all?

Answer. I think they were; all that were elected under that original election were.

Question. And their terms have not yet expired?

Answer. Yes, sir. A great many of them have been appointed or elected since.

Question. So that the organization of your courts has been under republican auspices?

Answer. Yes, sir.

Question. And you have had a republican governor until lately?

Answer. Yes, sir; until the last general election.

Question. Under that organization have not a great majority—nearly all of your judges, and sheriffs, and other officials—been members of the republican party in Alabama?

Answer. A large majority of them were.

Question. Who selects your jurors and your grand jurors?

Answer. They are selected by the probate judge, and the sheriff, and the circuit-court clerk.

Question. These were officers elected in a great majority of cases at that time of which you have just spoken?

Answer. Yes, sir.

Question. Is it not a fact that, for any defect in the selection of jurors and grand jurors, the responsibility must necessarily be on the officials who selected them?

Answer. I think the just responsibility is upon the men who selected them.

Question. As to the Eutaw difficulty you have spoken of, I believe you have stated it as it has been stated before, except one fact. Was there not a man named Snoddy who had been killed before that time, and the murderers of whom the people thought that Boyd did not try to prosecute?

Answer. There was, perhaps, some complaint of that sort. A man by the name of Snoddy was killed, and two negro boys, charged with it, were taken up, tried, and put in jail. It was said that upon that trial before the justice of the peace as a court of inquiry, Mr. Boyd did not appear in the prosecution. Mr. Boyd stated that the reason he did not appear was because the parties had employed able counsel to represent the State, and there was no necessity for his appearing. That is a thing that very often occurs with us. It has occurred with me in this office; when able counsel were employed I have not appeared. I have heard some complaint of that in reference to him, but I think that it was a very small item of the account.

Question. He had killed Brown?

Answer. Yes, sir.

Question. Were not Brown's friends not only numerous but influential in the upper part of that county?

Answer. They were numerous and influential in the region of Union, and that very region in which I think the great body of Ku-Klux in that county resided.

Question. And many persons at least thought that the old enmity growing out of the killing of Brown had a great deal to do with it?

Answer. A great many thought so, and I have no doubt it had some. I think the three causes I have given all combined to produce his killing—perhaps four causes.

Question. Have you a registration law in Alabama?

Answer. Yes, sir; we have.

Question. You have mentioned now a number of cases; the case of Henry Williams, in Coosa County, was one, a case reported to you by him?

Answer. Yes, sir; reported to me by Wiley Williams and Henry Giles.

Question. Is not substantially all the information you have about that case derived from them?

Answer. It is derived from hearing them swear upon three different trials. I had three trials of that case, and upon an average I had about eight witnesses, and the knowledge I have is derived from these witnesses. Their character and credit and the fact that they were whipped were sustained. That was sustained by Mr. Maxwell, one of the most respectable white men in that county. Also the fact that the church was burned. Mr. Maxwell said on his oath that he believed that it was done as they said.

Question. In the Macon County case, Lassiter was tried before the United States commissioner?

Answer. Yes, sir.

Question. An appointee of the General Government and a republican, I presume?

Answer. It is not exactly certain what he is. He was originally a republican. I am not sure now but that he claims to be more of a democrat than a republican.

By Mr. BUCKLEY:

Question. Appointed by whom?

Answer. He was appointed by Judge Busteed. I understand that he was originally a republican. I think he hardly now professes to be a republican, though I do not think he dabbles at all in politics.

By Mr. BECK:

Question. He acquitted the men charged?

Answer. Yes, sir.

Question. The next case was the case in Pike, of the man who had committed a rape?

Answer. That was down in the county adjoining Pike County. It was in Montgomery, down near the Pike County line.

Question. There was no politics mixed up either in that or the two former cases, so far as you were aware?

Answer. There was no politics mixed up in it, nor was there, that I know of, in the Aaron Lassiter case. In that case the only politics introduced was, that General Clanton asked Lassiter how he had voted, and he said that at the last election he voted the democratic ticket. I asked him why, and he said because this man Cash drew his pistol on him and made him vote it. In the first case, Williams was whipped. Giles was not whipped. Another negro was shot at. Webb was hit a few licks, and his grave marked out. That was all done that night. The negro stated that these men who did it stated they were confederate soldiers from hell—who had come from hell to whip out every damned radical.

By the CHAIRMAN:

Question. Were these the men who burned the church?

Answer. Yes, sir.

Question. State whether the church thus burned belonged to the organization known as the Methodist Episcopal Church, North, or the Methodist Episcopal Church, South.

Answer. I believe it was a Baptist church. That was on the same night and the same transaction.

By Mr. BECK:

Question. In the case of the rape there was no politics in that?

Answer. None that I heard of. The girl, I understand, made affidavit that this negro was guilty. I understand that she went before the committing justice of the peace and swore that he was guilty.

Question. Did you ever hear that she was coerced or induced, by improper influence, to go there and make that affidavit?

Answer. I never heard how she came to do it except from the negroes, and that is perhaps guess-work. I believe his wife has told me since that the girl said to her that they made her do it.

Question. That is, the wife of the man whipped told you so?

Answer. Yes, sir.

Question. With that exception, you never heard that she was coerced?

Answer. With that exception, I know nothing about how it was done.

Question. I ask because you were asked by the chairman a question assuming that the girl was induced to make the affidavit.

Answer. I never heard anything on that subject except from the wife of the man who was whipped.

Question. In that class of cases of persons who had complaints to make, knowing you to be a United States official, they came to you with their complaints because of your position?

Answer. All those willing to prosecute do, but there are very few, as I find, who are willing to prosecute. I find it exceedingly difficult to get them to make the affidavit. They are willing to tell me if I will promise to say nothing about it, but not willing to prosecute.

Question. A good deal has been said by you and others about the *alibi* being relied upon as a defense. Do you know how a man can very well defend himself otherwise against positive proof, even if that is false, of an accuser, when a crime is said to be done in the night and privately, than by an *alibi?*

Answer. I do not think a man could well do so, where there is positive proof. He must either discredit the proof, or prove an *alibi.*

Question. I suppose that, when a person makes oath that this is so, the defendant is reduced to one of these two things?

Answer. I do not see well how he could do otherwise. While I am myself not prejudiced against a man who makes a *bona fide* defense of an *alibi,* I think it is entitled to consideration; yet, in the investigations I have gone into, I am satisfied that in various cases they have been made up.

Question. You spoke of the Holseapple-Henderson case. Was not the defense an *alibi?*

Answer. Yes, sir.

Question. And Henderson himself swore positively to the facts?

Answer. Yes, sir; and, from circumstances that have come to my knowledge since, as well as the manner of their swearing then, I am perfectly satisfied in my own mind that the best *alibi* proven, which was Holseapple's, was proven by a man who was with him when the deed was committed, and who was one of the men whom the negro did not recognize.

Question. Was not the testimony all written down?

Answer. Yes, sir.

Question. By whom?

Answer. By some young man; the clerk. I forget who. It was all written down and read to them very carefully. I had that done.

Question. Is it not true that seven white men—Marion Mathews, Robert Lindsay, Neal Gannon, Mr. Rutherford, Alexander Malone, M. A. Campbell, and A. Horton, and two negroes, one named James Carter and the other William Mathews, all testified that this negro, Henderson, was a man of notoriously bad character, and unworthy of belief on oath?

Answer. Some of them [illegible] strongly, and some of them in different language.

Question. I do not give the words.

Answer. I speak also of the substance. There was a number that discredited him. Mr. Calvin Goodloe, with whom he worked, was the only other witness I had who gave him credit. Upon the examination, when I asked them if they had ever heard of his being sworn, they had never heard of it, and did not know much of his truthfulness.

Question. That testimony can all be examined here in the books of Mr. Day, the clerk?

Answer. Yes, sir. I will say, too, in that connection, that I do not think I ever had any witness yet, who was a colored man, but what some white witness has been found to discredit him. As that was upon a mere preliminary examination, and not upon the final trial, though some of these negroes have said that they could credit themselves, I have never yet brought them in, because we had not come to the final trial.

Question. In the case of Henderson, you did not sustain him against these charges, except by the testimony of Goodloe?

Answer. Except by Goodloe, for he was the only white witness I had here. I had no time to send out for Henderson's witnesses, and I do not know whether he could have sustained himself or not.

Question. There was no politics charged in that?

Answer. No, sir; none.

By the CHAIRMAN:

Question. In connection with that Henderson case, I will ask how many of these witnesses, who discredited Henderson, appeared by the testimony, or from all the circumstances surrounding the case, their neighborhood, &c., to have participated in this outrage?

Answer. I could not tell about that. They were strangers to me. Most of these men had known Henderson but a little while. He had lived over in another region of country, and had been but a short time in this neighborhood. Perhaps one of these witnesses knew him in this neighborhood; but he had not been long in Alabama.

Question. None of them had heard him testify before?

Answer. No; none of them.

By Mr. BECK:

Question. You were asked if they participated in this particular outrage.

Answer. I am going to say, one of these witnesses—and I say this here, because I do not expect it to go out until I get a hearing in this case—one of these witnesses, from the circumstances, from my knowledge derived since, and from what occurred there, I am satisfied, was one of the men who were along when the thing was done. I can give the reasons why I believe so. This witness testified, as you may see if you get hold of the testimony, that he was with Mr. Holseapple that night, watching his mill, to try to catch a thief. This witness, Lindsay, a brother of the defendant, lived about a mile from the mill, Holseapple about three-quarters of a mile. He swore that he was with Holseapple there all night; that they made a pallet down, and were awake pretty much all night; also that he went to the livery-stable and hired a horse; and he described the horse. He states that nobody was watching him and Holseapple, or saw them there; and that when he went home next morning he told nobody. Now, the horse, as he describes him, is precisely the character of horse as described by the negro as ridden by one of the men who did the thing, and I learn from the marshal that that horse is perhaps the only horse of that character in the neighborhood.

By Mr. BUCKLEY:

Question. How was he described?

Answer. A large pacing horse. Now, then, the fact of his hiring the horse from a livery-stable to go a mile; and I learn since, that when he was arrested, Holseapple stated to the marshal, "I could not have been there that night, for I was at home that night with my wife. I have not slept from her for two years; I can prove it by her." Taking these things together, I have come to the conclusion that in all probability Lindsay was one of the parties. I may be wrong; but I intend to investigate it; and I have not spoken of this to anybody before; but I have taken steps to have the man who hired him the horse brought.

By Mr. BECK:

Question. How about the other eight witnesses; were they there?

Answer. No, sir; I do not know that they were.

Question. Did the negro himself pretend that they were?

Answer. The negro only pretended that there were five, and he identified three. I will say, as to discrediting witnesses, I believe in these cases if you will ask a great many men—for there is a great deal of prejudice when these things come up—that they will tell you they would not believe any negro. I have found witnesses to say so.

Question. Judge Minnis, when you spoke about the want of faith which you have in an *alibi* sworn to by white men——

Answer. I did not say anything of want of faith. I think it is a good and meritorious defense when well made.

Question. Is it your experience that intelligent white men are bigger liars than negroes, as a class?

Answer. I do not believe they are; but I believe (and it is my experience) that men who go into these bands, and if guilty, (for they are guilty or not,) are ready to swear to anything to swear one another out.

Question. But are white men who do not belong to these bands not more truthful than negroes as a race?

Answer. I would take it as a general rule to have more confidence in a white man not belonging to these bands than in a negro equally intelligent; because my experience is that negroes are not well educated; and even those somewhat intelligent have a capacity for enlarging too much when they even intend to tell you the truth. I am inclined to think that I would give more credit to the white man, if I had equal confidence in both.

Question. If I recollect aright, as to the Limestone case, you say that grew out of a private quarrel?

Answer. Yes, sir; I think the immediate cause was a private quarrel. My opinion is, and several democrats that I have talked with from there agree with me in it, that the only thing in which politics had to do with that, and probably many others, was that the notorious prejudice against him as a republican, and against republicanism, made them feel a greater license to whip him than anybody else, for they did not feel in as much danger; that is what I understood.

Question. This county of Fayette, I believe, you found the worst of the counties you have spoken of or know of now?

Answer. That is the worst county, so far as acts have come to my knowledge; quite the worst.

Question. Does that adjoin Mississippi?

Answer. No, sir; there is one county lies between it and Mississippi—Marion and Sandford come in between.

Question. It is a short distance to the line?

Answer. Not a great ways.

Question. And there are conveniences for escape from one State to the other?

Answer. Yes, sir, though Marion County, that lies between it and Mississippi, seems to have been as quiet as any county in the State.

Question. When they escape into Mississippi, have you any means of getting them back until they are arrested in that State?

Answer. No, sir; the means I have is, after I have got them indicted in the United States court, I send a *capias* over into Mississippi.

Question. But the State courts have no power?

Answer. No, sir; no power without making a demand on the governor.

Question. And that is after they are arrested?

Answer. You could do it upon a warrant; you could make a demand upon your governor and he upon their governor, and he would deliver him upon a warrant, but it would have to be upon a warrant.

Question. In the cases in Fayette, of which you have spoken, Wooley's, Fowler's, and Tidwell's cases, you did not hear the facts from the parties themselves?

Answer. Not from the parties upon whom the violence was committed.

Question. It was from persons upon whom you relied, but not from the parties themselves?

Answer. Yes, sir. There were other cases only from rumor, but these were cases in which I believe the information reliable, and, from everything I could learn, nobody there seemed to dispute that they had occurred.

Question. Still, the fact remains that you did not hear them from the parties themselves?

Answer. I did not in those particular cases.

Question. Is the judge himself a republican or a democrat?

Answer. I never asked him, and it is hard for me to tell. My impression is this: I think he voted for Governor Smith, and I think he voted the balance of the democratic ticket; he is a conservative man in politics, and eminently a good jurist, and I think he is trying to enforce the law.

Question. Is the probate judge a republican?

Answer. Yes, sir.

Question. Is the sheriff a republican?

Answer. Yes, sir.

Question. Were the men who selected the jurors and grand jurors republicans or democrats?

Answer. The clerk of the court was a democrat.

Question. But two out of three were republicans?

Answer. Yes, sir.

Question. And it was that jury that found the indictments against the sheriff?

Answer. Yes, sir. I was not there to see how they were selected, but I suppose so.

Question. You have stated that the law provides that these men should have the selection of the jury?

Answer. Yes, sir.

Question. And two out of the three men who selected them were republicans?

Answer. Yes, sir.

Question. Is it not true that a very large number of the young men in Fayette, Winston, and Walker Counties joined the Federal Army, and fought in it through the war?

Answer. I do not know so well about any others as Fayette, not having been in them, but in Fayette County I understand that a great many young men joined the Federal Army and fought through the war; I also learned, in talking to them and others, to old men particularly, that in their opinion—and they had counted the men—if an election could be held without intimidation, openly, they would be able at any time to carry that county; they had carried it in the sheriff's election. Most of these men that were in the Federal Army are now republicans, and some few who were confederates. The sheriff was a captain in the confederate army, and a few who were in the Federal Army are democrats. I asked them, "If you have such a power, why do you not put this thing down?" They said, "To do that we must do as they do—disguise and kill." The sheriff said, "When I gather my posse, I could command the posse, and I could depend upon them; but as soon as I get home, I meet my wife crying, saying that they have been there shooting into the house. When we scatter to our houses, we do not know at what time we are to be shot down; and living with our lives in our hands in this way, we have become disheartened, and do not know what to do." That is the hypothesis they gave me for this thing. Another thing: one of the

prejudices against the sheriff, which was much proclaimed, was, that the posse was composed largely of those men who had been in the Federal Army. I heard a distinction of names and parties there that I never had heard before. Those men supposed to be Ku-Klux and those sympatizing with them called those who had been in the Federal Army "Mossy backs." It was of them that his posse was largely composed. I learned from all parties, that one cause of so much excitement against the sheriff was, that he had summoned a posse of "Mossy backs," men who were in the Federal Army, "to arrest us who were in the confederate army." That is why he was more objectionable to them than any other man, as I learned.

Question. The chairman, in his last general question to you, put it in this form: that they were seeking to murder off Union men. Is there any such distinction now in Alabama of recognized political parties, as Union and disunion parties, openly recognized?

Answer. I cannot say that I know of any party which recognizes itself as a disunion party. And I would say that if any man publicly was called upon to declare that he was a disunion man, if he had any political aspirations, I do not think that he would say it. I do know that there are men, even in this city, that I have talked with since I have been here, intelligent men, who have told me that they would yet be for disunion if it could be had; that, in their opinion, the South and the North would be better in separate governments.

Question. Is there any such organized party?

Answer. There is not, that I know of.

Question. Therefore, in the designation of Union men, what do you understand that to mean?

Answer. Republicans very often speak of themselves as Union men, perhaps with a view of creating that distinction, but I do not think it is recognized by the other side.

By Mr. BUCKLEY:

Question. You have a class of men, who denominate themselves Union men, scattered over the State?

Answer. Yes, sir; scattering men, but not such an organization as a party; they belong to one or other of the parties; there are a great many men I know who have been voting all the time with the democratic party, who call themselves Union men, and do not like to be called anything else; there are some of these who were old-line whigs, and they do not like to be called democrats, and yet they mostly vote with the democratic party.

By Mr. BECK:

Question. You have been asked whether or not the fifteenth amendment was not the great ground of complaint here. Was not the fourteenth amendment quite as much complained of, with its disqualifying clause?

Answer. I will say now what I did not think of in speaking of the other. The feature in the fourteenth amendment, disqualifying or rendering men ineligible, was very odious, and I do not know but it has done as much to keep up the irritation as any one thing connected with the whole of the reconstruction. I myself believe that, while it was imposed, I think, for the very best motives, and was well at the time, it ought to have been repealed, or the disabilities removed; and I have thought so for years.

Question. What would be the effect of the removal?

Answer. The removal of these disabilities, in my opinion, would have a very salutary effect.

Question. How? I want Congress to understand your views upon that.

Answer. In the first place, then, as every man is allowed to vote, it is not good to keep men out of office, for there are always as bad men who are eligible to office as any who are not eligible.

Question. You think an idea can always find a representative?

Answer. Yes, sir, find a representative. In the discussions I met on the subject, the most difficult thing in the whole republican programme I have found to meet, is that disqualification for office. There are some men in this State, who are disqualified, who are very good men. Young men, seeing their fathers disqualified, find it a source of very great irritation, and one that appeals very much to the passions as well as to the reason, if to the reason at all. Take the case of a young man. He says, "Here is the negro I used to own, eligible to any office; and here is my father, an intelligent man, who is ineligible to any office." I think it would do a great deal of good to remove such disabilities, and that it could do no possible harm. Aside from that feature in the fourteenth amendment, I think the fifteenth amendment was the most odious of all the reconstruction measures. I am candid in saying that if I had my will on the subject of ineligibility, I should just wipe it out clean; I do not care whether a man was educated at West Point or where, or what office he had held before the war.

By Mr. BUCKLEY:

Question. Is not that the position of the republican party of Alabama?

Answer. That is the position of the republican party of Alabama, so far as I know.

Question. Did they so declare in their convention last year?

Answer. They did; and, with a very few exceptions, it is the desire and wish of the whole party of this State.

By Mr. BECK:

Question. Has there not been a good deal of difficulty, if a negro did happen to want to vote the democratic ticket, for him to maintain social position with his colored brethren? Did he not run a risk?

Answer. I have heard that said, and have heard negroes speaking in bitter terms of a negro who would forsake his own class. I have never heard, however, of any particular case where one has been ostracised or injured. I know some in Montgomery who voted the democratic ticket. I never knew one to be injured. I have always instructed them, when I have heard of any such thing, never to think of doing such as thing.

By the CHAIRMAN:

Question. You say that in a majority of the counties the democrats, in 1868, abstained from voting at the election held for the ratification of the new constitution, and the election of officers under that constitution?

Answer. Yes, sir.

Question. I ask you to state whether they were not so counseled by Andrew Johnson, then President of the United States; and was it not the general understanding that that was their best policy?

Answer. While I do not remember now of seeing anything directly from him, I may have done so, but I have forgotten it; my recollection is, however, that that was the understanding, and probably as coming from Governor Parsons.

By Mr. BECK:

Question. Which Governor Parsons?

Answer. Lewis E. Parsons. I think, myself, it was a bad policy.

By the CHAIRMAN:

Question. You have been asked by Mr. Beck whether your election law allows any challenge of voters at the polls, and you have answered that it did not. I will ask you to state in this connection what abuses of the power of challenge would exist, in all probability, if it were allowed.

Answer. In the first place, I think that as at that time men resort to extraordinary means, as I know they have done, to carry an election, it would give an advantage to those challenging negro votes, for it is always harder for a negro to show his age, &c., and it would defeat the whole vote being cast. But there is another feature which is still worse. You go into a neighborhood where there are a great many negroes, and with bands of disguised men, or otherwise, whip these negroes, so as to keep them in an humbled and inferior condition, a great many of these whippings being traceable to the politics, and the negroes will be scared and intimidated. Now, let your negro be challenged as to his vote by one of those men, and he would instantly turn and run, and you would as effectually prevent the casting of their vote in this way as by whipping them directly for it.

Question. Do southern democrats claim that such men as Davis, Toombs, Stephens, and others, who had violated their oaths to support the Constitution of the United States, and who had, as leaders, endeavored for four years to destroy the Union, should be trusted to hold office again under the Constitution upon a repetition of the oath they had once violated?

Answer. I cannot say what southern democrats hold and how far they would trust them with office, but I say myself I believe these men are no worse than others who went voluntarily into the war, and that they ought to be trusted with office if their constituency would elect them.

Question. Do you think such men could be trusted to enforce the obnoxious clause of the fourteenth amendment and the entire fifteenth amendment?

Answer. I do not know whether they could or not. If their constituency sent them there for the purpose, I do not know whether they would or not; but their constituency ought to have the right to vote for them; and if they had a good constituency who did not think them safe, they would not trust them; and if they did put one of these men up, I hope our Government will not be in such a fix that these men could do it any harm, for if so, we would be in a bad fix, indeed.

Question. Do not these men now denounce the fifteenth amendment as unconstitutional, revolutionary, and void?

Answer. I think that Toombs, Davis, and Stephens do. That may be the feeling of a great many democrats. As I have stated my opinion very strong on the other hand, I will state that I myself feel, at least, some fear that a great many democrats who are

apparently favoring this new departure are not in good faith about it. I have my own doubts about that.

By Mr. BUCKLEY:

Question. Do you think there is any other way for the two races in Alabama, being nearly equally divided here in numbers, to live in a peaceful way except upon the basis of complete civil and political equality?

Answer. My opinion is this, that, in a republican government, democratic in principle, every man who is a citizen upon the fundamental principles of government has a right to the privileges of the Government, and the fullest privileges. I do not believe that is merely a privilege, but a right. If they are citizens, they are entitled to and must enjoy all these rights of citizens, or you challenge the fundamental principles of your Government, or you must separate the two races. I think one of these three propositions must follow.

MONTGOMERY, ALABAMA, *October* 20, 1871.

JOHN A. MINNIS recalled, testified as follows:

By the CHAIRMAN:

Question. You are the district attorney for Alabama, are you not?

Answer. I am for the middle and northern districts.

Question. Are you acquainted with the district judge, Richard Busteed?

Answer. Yes, sir.

Question. I will ask you to state to the committee whether you had any conversation with Judge Busteed before his going to Washington, when he gave his testimony before the committee on the 23d of June, 1871.

Answer. I was with him at court at Huntsville and at a court here, and had frequent conversations with him, and had some just before he left. At the court at Huntsville there was no grand jury until I got there, on Monday. It was ordered on Tuesday, and I presented no cases there except one post-office case. That was bound over. They were not prepared, not knowing whether there would be a grand jury or not. When we came down here, there were some cases bound over of the same character, and there had been some complaint made to me about outrages. I had several letters, and in getting him to order the grand jury I showed him all these and the reasons for it. I had a good deal of talk with him, first and last, about the situation of the country.

Question. I will ask you to state to the committee what opinion he expressed, if any, relative to the existence of the Ku-Klux Klan in the State of Alabama, and what opinion he expressed of the indebtedness of the Federal officers to his personal influence for not being interfered with by that organization?

Answer. A day or two, probably the day before he left, (my office was then in this room,) he came in here. I think myself and General Healy, and he, were present, and in conversation that question came up, particularly as to the legislation necessary upon it by Congress. He drew up a rough draught and asked me to copy it, giving what he thought, or the legislation that he would recommend upon the subject. He asked me to copy it, and he wanted me and General Healy to indorse it; this, I think, was just before his leaving, after having held the November term, 1870, which runs into 1871; I think as late as March.

Question. General Healy was United States marshal?

Answer. United States marshal. It was either at the time he gave it to me to copy, or after I had copied it, and it was in this room that we were talking upon the subject. At that time we had heard of a great deal in West Alabama, and the subject we were talking about was, that it was approaching nearer here, or perhaps into Perry, or some other county nearer than it had been before. His plan, which he wanted us to recommend, and which we did recommend, was to give the United States courts a much more extended jurisdiction over almost every species of offenses than has been done by any of the bills, but it did not have in it the military feature. That was his plan. In talking about that, and in view of some very alarming things we had just heard from West Alabama, I perhaps remarked to him, "I don't know that we would even be safe here, but for the protection of the United States court." He seemed to, as I thought, agree to that proposition; he made this remark, rather hitting himself on his breast or tapping himself, "Boys, do not say 'but for the United States court,' you would not be safe here; but for *me*, you would not be safe here." That was his expression, as I remember it, at any rate that was the idea.

Question. What was the nature of the disturbance which was the subject of the conversation in reference to West Alabama?

Answer. I can't remember just what it was; we had so many accounts of startling affairs.

Question. Were they Ku-Klux disturbances?

Answer. They were said to be committed by men in disguise.

Question. Did he express any doubt about the existence of these disturbances by that organization?

Answer. I do not think I ever heard him express any doubt about it, as I remember, except in his charges—I mean privately; but in his charges to the grand jury, he generally complimented them upon the peaceable condition of the country. He would compliment the country and the grand jury upon the peaceable condition of things.

Question. But his private conversations were of a different character?

Answer. I never heard him express a doubt about the existence of the organization or the disturbances, as I remember. I will not be certain that I have repeated his exact language, but I have given the idea.

Question. Does Judge Busteed reside in this State?

Answer. Well, I think not. In all the business I have with him to get any certificates, &c., I have to send to New York, except it be right in court time. If he has been here since court, I do not know it; or if he was here before, except during the courts, at any time, I cannot now remember it. He might have been here at some bankrupt court.

By Mr. BUCKLEY:

Question. Where do you address him?

Answer. I always address my letters to him at Jamaica, New York.

Question. Was it in Judge Busteed's court that J. L. Perkins, foreman of the grand jury, made the report which is found upon page 330 of the printed testimony relating to the condition of affairs in the State of Alabama?

Answer. Yes, sir. It was a grand jury which I had been attending myself. The report was made to him. I knew nothing about any sort of report that they were going to make. I did not know that they had drawn it up. The first I knew of it, Judge Busteed called me to the bench when they had made it, and said, "You ought to look at it." He said, "That will sustain you in everything you said."

Question. Judge Busteed said that to you?

Answer. When that report was made, the first I knew that such a thing was even considered, or that there was a report of that character, was when they came in with their bills, and I was done and presented the report to Judge Busteed. He motioned me up to the bench, and said to me, "That is a very important paper to us. It sustains you in everything you have said." I understood that to be in reference to a controversy I had had in some of the papers in relation to whether there was such a thing or not.

Question. At what term of the court was that report made?

Answer. It was at the May term, I think. I do not remember that it was in May, but it was the May term.

Question. Of this present year?

Answer. Yes, sir.

Question. As I desire to have that report incorporated in your testimony, I will ask you to look at the report I now show you, and state whether that is the one printed on page 330 of the testimony taken before this committee in relation to the State of Alabama.

Answer. I cannot say that that is an exact copy, not having the original now to compare them, but from my recollection it is the substance of it. I recollect it very well, and I reckon this is a literal copy. I would think so.

The report is as follows:

"Report of grand jurors of middle district of Alabama.

"To the Hon. RICHARD BUSTEED:

"The grand jurors of the middle district of Alabama beg leave to make their report.

"We regret to be compelled, from the evidence brought before us, to say we are forced to the conclusion that in some parts of this district there have been frequent and outrageous violations of law. Without provocation, both white and colored persons have been beaten, whipped, shot at, wounded, and some killed, while in the peaceable pursuits of the rights secured to them by the Constitution and laws of the United States, by persons in most instances disguised, and whom it has not been possible, from the evidence before us, to identify, except in the cases reported by us. We deplore this state of things, and wish thus publicly and officially to express our disapprobation and to denounce all who are engaged in them, and pledge ourselves to put a stop to them, so far as in our power, and call upon all good citizens throughout the State to aid the authorities to bring these criminals to justice. We owe it to ourselves, our citizens, and to the fair fame of our State to do this.

"We are happy, however, to state that we find nothing in the evidence before us to implicate the great body of the people in these outrages, or to show that there is any or-

ganized band of Ku-Klux (so called) throughout the district, but believe that the great mass of the people are opposed to such an organization, which exists only in certain localities in the counties of Macon, Coosa, and Tallapoosa, and these confined to a few persons.

"With these views, and believing that our services are no longer required in the interest of the Government, we ask to be discharged.

"J. L. PERKINS,
"*Foreman Grand Jury.*

"We object to the report on account of its generalities, preferring to specify the particular occurrences.

"BENJ. F. NOBLE.
"WM. H. SMITH.

"*Resolved*, That the thanks of this grand jury are due, and hereby tendered to, the Hon. Richard Busteed, for his able, dignified, and impartial charge to us, and for his gentlemanly bearing toward us, while engaged in the discharge of our duties; and also to the Hon. J. A. Minnis, district attorney, for his ability and courtesy while assisting and advising us as to the cases before us; and also to the Hon. R. W. Healy, United States marshal, and other officers, for their politeness and care for our comfort.

"J. L. PERKINS,
"*Foreman Grand Jury.*"]

By Mr. BLAIR:

Question. Judge, in regard to the claim of Judge Busteed to have afforded protection to the United States court, do you not think that was a little pleasant gasconade of his?

Answer. Well, I thought, when he put his hand on his breast and said, "My boys," that that was; but in regard to his views of the protection afforded by the court and of the necessity for that protection, I could not form such an opinion from the fact that we were at that time, and had been discussing a recommendation of his which he said he wanted to make to Congress and which he wanted us to indorse, which, if I recollect aright, gave pretty much an entire concurrent jurisdiction with the State courts in all cases of personal rights. That was the substance really of what he drew up as a plan of his own. As I understood him, he was opposed to calling in the military, and was in favor of very much strengthening the civil authorities of the United States, and that, as I understood from him, was what he would ask or what he would use his influence to have Congress pass. It was very much the same idea that I had heard from Alex. White in this State, and I think their views corresponded very much, although his bill would have been a little stronger than I would have given. I had signed a recommendation, and General Healey did, too, I think, indorsing his proposition.

Question. Are not the judges of the State court quite equal to Judge Busteed in legal lore?

Answer. Well, I do not think myself that we have any judges, in the State courts at least, who are superior to Judge Busteed in point of discrimination and real ability. I think very likely we have judges in the State courts that are, I may say, more learned, or equal to him, at least, in learning.

Question. It does not require any very great acumen in a judge to sit in criminal cases?

Answer. No, sir; it does not require any great learning.

Question. The laws are simple?

Answer. The laws are simple and plain. It is more from an adaptation to that particular thing than it is to any great legal learning, I think; and I think we have some very good judges. I think Judge Mudd is one.

Question. Now, when you have good judges all over the State, and in every county of the State, armed with the same authority that Judge Busteed has or would have under that law, with courts sitting oftener, do you think there is any sort of necessity for giving a jurisdiction to the courts of the United States beyond a desire to draw to the General Government itself additional powers?

Answer. My opinion is that, so far as the enforcement of the fourteenth and fifteenth amendments in the State of Alabama is concerned, it was necessary that the United States should have the jurisdiction to afford anything like adequate protection, for this reason: While I believe that in Alabama we have good judges, fully able and fully willing, and having every disposition to enforce law, I do not believe that in many localities, trying offenses right where they are committed, parties could be convicted; and while I think to some extent the same difficulty would exist by bringing it into the United States courts, yet you would have a chance of getting more disinterested jurors, not affected to the same extent with the prejudices that prevail against the punishment of certain offenses.

Question. Then you would break down the old theory that has come to us from our

English ancestors of having a trial by a jury of the vicinage, and drag every man accused across the State, compelling him to bring his witnesses and incur expenses, and to be put on his defense for every petty charge you could trump up against him?

Answer. I myself would not desire to do it for every petty offense. I think that system has its evils, but in my opinion, as I before stated, if these offenses are punished at all in many localities, it will have to be done in that way; as to whether it is better to let the offenses go unpunished, or to punish them under those disadvantages, is a question that can be considered; but I still think that they will not be punished unless they are punished in that way. I would not be willing to support a law that would carry it to the extent that I thought Judge Busteed did. I do myself, though, approve and indorse the acts of Congress to the extent that they have been passed. I do believe that the punishment of that class of offenses is of sufficient importance to justify at least that much inroad at present. I would not be willing to go any further, and hope there will not be any necessity for it. I will say further, to show both my opinion and the feelings on that subject in one of the counties—I allude to Limestone County, in North Alabama—when I was at Huntsville, they telegraphed me to come there. There had been a good many outrages in that county. I found the county solicitor, who was a very warm democrat, but bent upon prosecution. I found, as I believe, the people in that county determined to put it down; democrats as active as anybody else. Although even some democrats thought I had better take warrants for the United States, I declined to do so, and reasoned with them that I believed that inasmuch as there was a disposition to execute the laws, and, as I believed, in good faith to put these things down, I thought they could do it if they would try, and it would have a better influence to do it through the local authorities than to have it done in the United States court. Therefore, for the time, at least, I declined to put on foot any prosecution, and left with the county solicitor, who was a warm democrat, as I stated, authority, if he thought best, to prosecute in the United States courts in my name, after consulting with the best citizens there. He was authorized in my name to do it, and I left it in their own hands.

Question. In your recommendation, in conjunction with Judge Busteed, to extend the range of your authority, do you not think there was something that is inherent in the constitution of officials to extend their power and authority?

Answer. I think there is something of that in some; in others I have found that they would even prefer not to have any more cast upon them than was necessary. Judge Busteed is, in my opinion, a man who is tolerably fond of authority.

Question. In this case, so far as you are concerned, being district attorney, it would add to your emoluments?

Answer. I suppose it would.

Question. Therefore your own judgment in matters affecting the power of your office, its importance, and the augmentation of its emoluments, is not altogether to be trusted as impartial?

Answer. I would say that, in signing that paper, I never thought about that question. I do not think it entered into my mind. I did it because I thought myself that some legislation was necessary. That was before this last bill was passed, I think. Upon reflection, I think it was at the November term. I will make that correction. It was at the November term instead of the May term. The way I got into that difficulty is this: the November term did not sit until January or February; it ran on, and was postponed until some time in the spring; it was before I went on to Washington, and I left there before this last bill passed.

Question. Then you were even in advance of Congress in the desire to augment your authority?

Answer. I was going on to make this statement, that I was and am in favor of the bills as passed, as I have said. I signed that recommendation of Judge Busteed, believing that some legislation was necessary, and as that seemed to be his opinion, I was willing to recommend it, and did sign it without any alteration, although I would not have gone myself to the extent he did.

Question. Mine was a general question, and was one I would like you to answer—whether you do not feel that officials in your position, in making such recommendation tending to the augmentation of their own power and dignity and emoluments, are to be distrusted by a people who want to preserve their freedom?

Answer. I will say that in my own recommendation I never thought about the effect it would have on my office. As a general rule, acting upon such recommendations myself, I think that I should make a reasonable allowance for anything of that sort. As to how much weight it would have with me in view of that, would depend, perhaps, something upon the man. Some men it would influence, perhaps, considerably; some less: others not at all.

Question. It is true that some persons are exempt from these infirmities, and perhaps you are, but, as a general thing, a people that want to preserve their liberties should guard against the augmentation of power in the hands of officials, and distrust them. Is that not a true proposition?

Answer. I do not think that men who are in power are any more to be distrusted than men who want to get in power. I think the people should well look to both, to guard their rights. I believe very much in the old adage, that "Eternal vigilance is the price of liberty."

Question. That is a good democratic motto, but people who simply want to get into power are not dangerous, for the reason that they have not yet got it, while those who have the power and want more, are most to be distrusted, are they not?

Answer. Well, I do not know which to say is the most general rule; but men who are out of power and very anxious to get in, are equally as much to be distrusted as men in power. Men who are in power have already shown, to some extent, or for some time, the manner in which they are going to exercise that power; but men out of power are very apt to promise a great deal, and, I think, very often are more to be distrusted than those who are in power.

Question. It is probably a natural thing for those who are in power to hold that position, but I cannot see, judge, and I would like you to explain to me, how those who have no power can be dangerous to the liberties of the people.

Answer. As long as they are out of power, of course they are not dangerous, except as to the doctrines they may teach or the ideas they may inculcate; but their anxiety to get into power may cause them to take positions and entertain views which, if they succeed in getting into power, would even make them more dangerous than those who are in power.

Question. Especially if, after they get into power, they made such recommendations as you do?

Answer. I do not think that the recommendation I made was particularly dangerous, while, at the same time, I do think that the better policy would not have gone to that extent, nor did I expect Congress to pass any law that would go to that extent.

Question. I do not know to what extent they would go.

Answer. Whatever danger there might be in extending the jurisdiction of the United States courts in deciding upon the rights of persons, there is not in that the danger to public liberty that there is in a Ku-Klux Klan.

Question. Have not from all time those who plead for power and the increase of power in their own hands, made the same excuse?

Answer. Yes, sir, I think they have; and I think, on the other hand, that in all time those who want to commit depredations have found fault with the law.

Question. You never have heard, then, in your reading, of persons who found fault with excessive authority, who were other than people who wanted to commit wrong?

Answer. Yes, sir.

Question. You have heard of such?

Answer. I have heard of such things, and I have heard of such things as men wanting to have even stronger authority than I have thought of, who, I believed, did not want to deprive anybody of any liberty. I have heard on both sides of men entertaining very extreme opinions, both good and bad men.

Question. I shall not pursue the topic further, as I find it impossible to convince an official or make him distrust authority.

Answer. I think I am as distrustful of authority as a man ought to be, and, at the same time, I am fully impressed with the fact that while we talk so much about liberty, there is no liberty without law.

Question. There ought to be a good deal of liberty under the immense quantity of laws the radicals have passed.

Answer. That might be true, but in some portions of Alabama there is very little liberty under the laws which the Ku-Klux have passed for us.

By Mr. BUCKLEY:

Question. You desire to make some statement supplementary to your testimony heretofore given?

Answer. Yes, sir. A question was put to me by Mr. Beck, calling my attention to a point which I did not answer fully, and I have prepared a more extended and careful answer, which I now submit.

Mr. BLAIR. Read it, and let us see what it is. [The witness reads the paper hereinafter given.]

Mr. BLAIR. I make this objection to that paper: It is a written essay, and if this is received, I shall have some essays written by the best men in this State, and have them introduced and read before the committee, for I know I can find twenty gentlemen in this State who can produce essays fully equal to that in any point of view. That is not what Congress wants. It is not what we are sent here to get. We are supposed to be able to discuss these questions ourselves just as well as this gentleman, and if that paper is admitted, I shall most assuredly write to several gentlemen whom I know, and have them called before us to read essays.

The CHAIRMAN. This case is different from the case you put, in that Judge Minnis was a witness before the committee at Huntsville, and a question was there put to

him by Judge Beck, representing the minority, which he did not answer fully. He desired to give a more extended one, and it seemed but fair to allow it. I did not know what the character of his answer would be, and I thought it would be fair to allow him to make a supplementary statement, inasmuch as he stated that he had not made a full answer.

Mr. BLAIR. I am not in favor of gratifying any gentleman who wants to occupy so much space in this immense book, and I give you fair notice that I shall ask to be heard through one or more written essays by some of the strongest men in the State. These lucubrations are not what Congress wants, and I think it is very unreasonable to expect that we shall give this essay publication. It is very good, but not equal to ten thousand such things as you Senators get off there every week during the session of Congress—you, on your side. It does not touch anything but abstract principles; it does not deal with anything else.

The CHAIRMAN. I would put the admission of this answer on the ground that the witness came forward and stated that he had not answered the question which Judge Beck put at Huntsville as fully as he desired to do. Without knowing what answer he would make, I recalled him. His answer is certainly responsive to the question, and if the questions are proper, the answers are proper.

Mr. BLAIR. The questions were never put in view of such an answer as that. It was in reference to certain laws of this State, which the witness answers in a very few words, and then goes off into a discussion of the reorganization of this State by Congress. I do not think that his answer develops any facts. It is simply a long essay on a subject which has been discussed in Congress and all over the country for four or five years, and I think he has thrown no new light upon it.

Mr. BUCKLEY. So much of this answer as pertains to the law readmitting Alabama, I think is unquestionably pertinent, inasmuch as there was a discussion between Judge Beck and Judge Minnis on that subject when the question was up, and when the answer, which the witness deems incomplete, was made. Aside from that, I am not particular, myself, as to the incorporation of this answer.

The CHAIRMAN. I feel inclined to admit the answer, on the ground that the witness desired to make a more full response, and I believe that we cannot well control the right of the witness to make an explanation. If the witness is allowed to answer the question at all, we cannot well limit the length of his answer, and I do not see that we can refuse this as evidence.

The paper above referred to and read by the witness, John A. Minnis, is as follows:

In answer to the following question of Mr. Beck: "Had or not, growing out of the reconstruction, and the constitution of Alabama, particularly the mode of its adoption, a great deal of bitterness and feeling grown up among the people of the State?" I desire to make this further and more deliberately considered answer:

In my opinion, at the close of the war it was generally in the South—and I shall speak particularly of Alabama—expected that the negroes, as a result of the war, would be set free, especially in view of the rejection of the Sherman-Johnson treaty, and hence no very serious opposition was made to the thirteenth amendment. But it was equally generally believed, expected, desired, and intended to hold the negroes, as a race, a subordinate class of laborers, in a sort of peonage, without any of the rights, privileges, and immunities of citizens; and in this condition it was believed by many, and I think pretty generally, that they would be more valuable to the white people than they were as slaves. Many believed, and I have no doubt honestly, that this would be best for both white and black; such opinion prevails even yet with some in Alabama. This, as I think, was, as to the negro race, the animus of the Johnson restoration plan. The fourteenth amendment, without the third section, made the negroes citizens, effectually changed this whole status of his situation, and, as I think, aroused all the prejudices and hostility of the southern people, that could well be aroused; and I never thought it would have been adopted by the white people of Alabama without the third section. The third section, however, disqualifying a large class of white men, and many of them the best men in the State, to hold office, while at the time when it was adopted in Alabama negroes were eligible to office, greatly intensified the bitterness, and, in my opinion, in the minds of some who otherwise might have been induced to sustain the Government in its reconstruction policy, created such a prejudice that they became indifferent or opposed to it. The reconstruction measures of Congress were regarded by the great body of the white people of the South as usurpations, unconstitutional, and void, and all who sustained them were most bitterly denounced as enemies to the people. These measures, conferring on the negroes the rights of citizens, under these acts even the right to vote in reconstructing the State, met all the prejudice, bitter hostility, and denunciations that could well be entertained by any people, and every prejudice and passion was appealed to to bring them into odium and contempt, and defeat, if possible, their operation. When the convention was called, and a State constitution framed and submitted to the people for their ratification, under the reconstruction acts, it was determined by the democratic party, constituting the great body of the white people, not to vote,

as the surest means of defeating it under section 5 of the supplementary act passed 23d March, 1867. In my opinion, they believed, from the result of the election for the ratification of the constitution, that they had defeated it, and that afterward, when Congress admitted the State of Alabama under this constitution, they regarded it as a violation of the plighted faith of Congress; and while hostility and opposition to the principles of the newly constructed State were already as strong as human nature was capable of entertaining, this greatly added fuel to the smothered fire of opposition, and it broke out in volcanic flames of denunciation, that appealed to all the prejudices of race, passions of hate, that it was possible to be entertained by a brave and chivalrous people. The whole reconstruction policy was denounced as a tyrannical usurpation, the government as a usurped negro government, and every officer as a mean, tyrannical usurper—a Government that placed negroes over and made white men subject to negro rule. This led to a bitterness, to social and business ostracism and proscription, to outrages of person, to whippings, lynchings, murders, and assassinations of persons who favored the Government, and especially to negroes who set up to enjoy the rights thus conferred, the one-half of which, in my opinion, never has and probably never will be told, a great deal of which was done by disguised bands; and while, in my opinion, a comparatively few were actually engaged in these acts, such were the hostility and hatred of the great mass that they felt but little disposition to actively intervene to prevent similar outrages or to punish those who did commit. The question of reconstruction and of the admission of Alabama under that constitution being political questions, the hostility to the Government being a political hostility, and that political hostility being the prime cause of these outrages, in my opinion, these outrages were committed for political causes, and mainly to punish political offenses and to produce political results. Having detailed, as I did and others have done, outrages by disguised bands, the very question I am now answering presupposes the "*bitterness and feeling grown up among the people of this State*" led to these outrages. In my opinion, this view is the very best that can be taken as an excuse to those who actually perpetrated these outrages; to those who encouraged or sympathized with it; to those who excused it; or to those who stood by and saw it going on, without aiding in its suppression; that is, honestly regarding all who favored the equal civil and political rights of the negroes and the reconstructed government of Alabama as political or public enemies, they were doing the public service in destroying their influence or putting them out of the way Those who opposed the acts, still regarding them as public enemies, did not feel called on actively to interfere for their protection.

In answer to the following question of Mr. Beck: "Is it not a fact while Congress did by its own act provide that unless a majority of the registered votes was cast on the adoption or rejection of the constitution, it should be rejected, and yet while a majority did not vote, Congress did impose it on the people?" I thought, when the question was asked, it was stated too strong. Upon examination of these acts I am still of the same opinion. I know that in putting the proposition to the people, it is generally stated that way, which in my opinion has to some extent misled the people. The provision of section 5, already referred to, upon this point, is, that if, according to the returns, the constitution shall be ratified by a majority of the votes of the registered electors cast at said election, "*at least one-half of all the registered voters voting upon the question of such ratification*," "the president of the convention shall transmit a copy of the same, duly certified, to the President of the United States," and then, "and if it shall moreover appear to Congress that the election was one at which all the registered and qualified electors in the State had an opportunity to vote freely, and without restraint, fear, or the influence of fraud, and if Congress shall be satisfied that such constitution meets the approval of a majority of all the qualified electors of the State, and if the constitution shall be declared by Congress to be in conformity with the provisions of the act to which this is supplementary," &c., Senators and Representatives shall be admitted, &c. There is no affirmative declaration that it shall not be, and while I admit the rule of construction that the "expression of one thing is the suppression of another," still, most clearly, the only faith of Congress pledged to the people of Alabama was that if they adopted a constitution in the manner and form and in compliance with said act, she should be admitted to representation in Congress, and, of course, to all the rights and privileges of any other State in the Union. Without referring to the facts, and the dispute as to whether in truth and fact the constitution was ratified by a majority of votes, and that a majority of the legal registered electors did vote, as is contended by some, take it for granted they did not, then Congress, without violating plighted faith to Alabama, might have refused her representation in Congress and rejected her constitution; and then Alabama would have stood just where she would if no convention had been called. Upon the right and power of Congress to reconstruct, Alabama, having refused the terms tendered her by Congress, would stand as though none had been offered. Now, if Congress had the right to reconstruct: suppose the reconstruction acts had never been passed, and a convention had been called, a constitution had been made just as the Alabama constitution was: suppose that it had not been submitted at all to the vote of the people, and Congress had accepted and

recognized it as the constitution of Alabama, and constituting the government of Alabama; now, if Congress had the right to reconstruct at all, can any man say this would not have been the *de facto* and *de jure* government of Alabama? In my opinion they could not. Then, in my opinion, Congress had the power to accept Alabama under that constitution. Was it good policy in Congress to do it? The great body of the white people, constituting the democratic party, had showed by their action they were unwilling to any State government that would be in harmony with the National Government in its principles and policy. Congress owed it to those in Alabama who were in favor of and loyal to the National Government, its principles and policy, to give them a civil government; Congress was by its fidelity to the nation bound to give Alabama a civil government founded upon the principles of our Government, this constitution conforming to these principles; in my opinion Congress, under all the circumstances, in admitting or reconstructing Alabama with her present constitution, pursued the very best policy that could possibly have been pursued; that it was best for the nation at large, and the very best that could have been done for the people of the State. And while I admit by the non-voting policy of the democrats of the State, and by their denunciation of every man who would dare to hold office under this reconstructed State government, many incompetent and bad men got into office; still, in my opinion, the great obstacle to the complete success of reconstruction in Alabama has been the bitterness, hates, proscriptions, and outrages I have already spoken of, and that, in spite of all this opposition, reconstruction has succeeded in Alabama; that the State government has succeeded beyond all reasonable expectation. According to democratic testimony, *that persons and property are as well protected in Alabama as in any State in the Union*, reconstruction in Alabama has been a complete success. I am sorry to be compelled to differ to some extent in this, but I am glad to be able to say, in my opinion, in spite of the hatreds and hostilities, and even most determined opposition, even to personal violence, it has, in my opinion, been a very great success, and that, with these ceasing, it will be a complete success. In my opinion, in most portions of the State there has been a very great improvement—the bitterness I do not think so great. It is hard to keep men of good impulses always mad. No man can deny that there are good, intelligent, and honest men in both parties; such men, living in the same communities, having business, official and private transactions, engaging in the same enterprises, public and private, will naturally in time heal up the animosities of political hate and strife. In the presidential election in 1868, the democratic party of Alabama was somewhat, as I think, sanguine of success, and the opinion seemed pretty generally to prevail that, if successful, the whole reconstruction policy of Congress would be set aside as null and void; this, in my opinion, had the effect, if not to create hate, to make them more disposed to gratify and indulge it. The election of President Grant, and especially his carrying Alabama, I think had quite a contrary effect, and for some time they seemed very quiet. In the elections in the fall of 1870, and preceding the elections, while in some portions of the State it was peaceable, in others it seemed to me worse than ever; in the general conducting of the canvass there was a great deal of bitterness. The act of Congress to enforce the fifteenth amendment, and the last to enforce the fourteenth amendment, with the prosecutions under them, especially the late convictions in North Carolina, and the developments in some other States, have had, in my opinion, a most salutory effect; these disguised bands begin to learn they are not entirely safe; that they can and will be brought to punishment; I know in Alabama, in some localities, such is certainly the case, and the results in the late State elections, in my opinion, have had a tremendous influence, showing most clearly that the principles and policy of the Government will be sustained by the people of the nation. It was hoped by the democrats in the South that the President and Congress would not be sustained by the people; I think it is now pretty generally believed that the elections in these States show pretty clearly that the people of the nation are determined to sustain the congressional policy of reconstruction, with the fourteenth and fifteenth amendments as a part of that policy. The fourteenth amendment makes negroes citizens, and by its very terms creates in all a direct citizenship of the United States, and, in my opinion, makes the allegiance of every citizen, white or colored, paramount to any State citizenship, and hence in future explodes whatever was in the secession idea, that the only citizenship of the United States was derived through the State, and hence a man loyal to his State could not commit treason against the United States. The fifteenth amendment conferring the right of suffrage upon the negroes, and the acts of Congress of 1871, to enforce these amendments, giving jurisdiction to the United States courts, in case of their violation; the indications in the State election that this policy is approved, that the President has been indorsed by the people, and will likely be re-elected in 1872, has had a most salutary effect. In my opinion, the "new departure" in the democratic party is having a good effect. Democrats are not so sanguine of setting aside what they used to confidently denounce as usurpations; and while, in my opinion, as already stated, that this hatred and bad feeling originated in political causes, and was actuated by a political animus,

still, I believe in most regions it is daily growing less political and more personal; and, in my opinion, in about the same ratio, whatever of good intention was ever in it, is leaving it, and in about the same ratio good men are more openly coming out opposing and denouncing it. I have lately met prominent and decided democrats, who have gone so far as to say, while they at one time denounced the Ku-Klux acts of Congress and the State legislature, they now believe they are good laws, and the only laws that could meet the present exigency; that they are for putting down all disguised bands, by the civil law of the State; by the civil law of the United States; and that if there is not power enough in these, they are themselves in favor of martial law. The clearly shown determined policy of the President, to put down these bands, and to protect the people from the highest to the most humble, and the clearly expressed determination of the people of the nation to sustain him, have, in my opinion, had a most beneficial effect. It gives encouragement to all good men in the State to aid to put them down, destroys all hope in any for success from such a quarter; it is a terror to the bands themselves, as they see, if they continue, sooner or later they are sure to be caught and punished. As I have before stated, I do most sincerely believe an early removal of all political disabilities would have a good effect upon the growing disposition to put down and cease all disturbances. I would stop here, but that some might think there is some inconsistency in my opinion as to the hatreds, hostilities, and outrages, and my opinion as to the removal of disabilities. In my opinion, the whole reconstruction of Congress, including the fourteenth and fifteenth amendments, and the acts that have been passed under them and for their enforcement, is right in principle, and the best policy that could have been adopted; and, with the exception of this disability clause, should remain, which I believe was made for the best purposes and from the purest motives, the safety and security of the Government, (was probably right at the time.) The southern people generally regard it as created to punish and humiliate, and, in my opinion, is now only irritating without doing any good. I am of opinion that no people on the face of the earth that ever attempted by revolution and force of arms to break up, disintegrate, and destroy their Government and failed, in the whole world's history, was ever so generously treated, was so generally, and with so little punishment, and so soon, restored to all the rights, privileges, and immunities of the Government, as has been the people of the seceding States by the National Government. It is my opinion that no race or class of people, in the whole history of the world, kept in the condition as were the slaves of the South, that ever showed the same fidelity to those who enslaved them as did the negroes of the South during the war; and that being suddenly, in their uneducated state, set free, and conferred upon them all the rights, privileges, and immunities of citizens, that have conducted themselves orderly, law-abiding, and worthy of the privileges conferred, beyond all the parallel in the history of the world. While in my opinion the treatment of the seceded States by the National Government has been liberal beyond any former precedent, and at the same time there has been in these States much political hatred and animosity that led to the outrages of which I have spoken, in my opinion, taking the situation of the South, her institutions, habits of her people, her civilization, the fixed opinions of her people, honestly entertained upon the subject of slavery, and for which they are not alone to blame. Slavery was introduced principally, if not altogether, among them by the civilization of European nations and the Northern States, and whatever may have been the criticisms upon the opinion of the court delivered by Chief Justice Taney in the Dred Scot case, still it is a fact, proven by the practices of those nations, that, at the time slavery was introduced, the civilized nations regarded the negroes as having no rights that white men were bound to respect. The institution had, from climate, soil, production, and the habits of the people, interwoven itself into our industries, and into our very civilization. The rigors and hardships of slavery, as a general rule, by the humanity of Southern masters, had been greatly ameliorated. In the present century, the civilization of the world arrayed itself against slavery. Much had been said and written upon the subject *pro* and *con*. The people of the South, for years before the war, in my opinion, pretty generally believed in its moral and legal right, and in its beneficial policy, and that it was secured by the Constitution of the country—this last, I believe, admitted by all. When abolition was advocated in the free States, its advocates met no favor; indeed, abolition was as much a term of reproach in the free as in the slave States. If slavery was wrong, (as I believe it was; in my opinion it was against *natural right*—I had been educated to think differently,) it was a wrong for which not only the South, but the North, with the civilized world, was accountable; and if the South, where it was valuable, and interwoven into all its civilization and the habits of the people, stuck to it, when in the North and other countries, where it was unprofitable, inconsistent with their habits and civilization, were opposed to it, in my opinion, she did just what they would have done under similar circumstances, entertaining similar opinions. The rights of the States and the power of the Federal Government had, from the organization of the Government, questions of dispute; the southern view that all citizenship was through the State, and hence the paramount allegiance of the citizen was due to the State, and as a State could not

commit treason, therefore, no man going with his State, even to taking up arms against the Federal Government, could be guilty of treason, (and which, in my opinion, made absolutely necessary something like the fourteenth amendment,) and other ideas and views, that led almost inevitably to the doctrine of the right of secession, were peculiar, not to the South alone, but at some periods of our history, in my opinion, been the predominant idea of the nation, though never before tested in that form. I believe that my great error, and those who favored that idea, was this: in construing the Constitution, we lost sight of one great, universal principle—older, and I might say superior to all constitutions and laws—that is, the great right of self-preservation and self-protection, which, in my opinion, applies with equal force to governments as to persons, and it was, I think, the idea of the eminent authors of the Federalist, when it was stated, in discussing the Constitution, no government could be presumed to intend or embody in itself its own destruction. The abolitionists of the North, while confined to philosophers and a few preachers, were not regarded in the South of much importance, but when a great political party was organized upon hostility to slavery, and when that party succeeded in getting into power, the great majority of the South believed it doomed slavery, in the Union, to destruction. Some intelligent men thought differently, and stuck to the Union until the war commenced. Those men, as a general rule, in my opinion, since the war, and slavery has been abolished, have been the most bitter in their opposition. In my opinion, the success of the republicans was the ultimate destruction of slavery in the Union. But for the war, its abolition would have been more gradual, and taken some time. Revolutions never go backward until their ends are accomplished. The accomplishing of the abolition of slavery would have come sooner or later In my opinion, if such had been fully felt and believed in the South, there would have been very little Union sentiment there. Looking at it as the southern people did, educated as they were, believing as they honestly did, and encouraged as I know they were by many leading democrats North, in my opinion, it was natural that they should attempt to withdraw, and set up a government for themselves, where they could protect this institution. I believe any other high-toned, chivalrous, and brave people, under similar circumstances, entertaining similar opinions, would have done the same thing. In my opinion it was most fortunate for the people of the South that they were not successful; had they have been, in my opinion, we would, ere this, have been split into different governments, and revolution after revolution, to have ended in monarchy. When the war was over, the Southern people had no idea, while they expected slavery to be abolished, that their slaves were to be made their political equals; and when this was done, and a constitution, as they considered, forced upon them, that they considered they had defeated. My opinion that the great mass felt, as I believe any other good, brave, and chivalrous people feeling and believing as they did would have felt; believing, as I do, that this bitterness and hostility was for political causes; that the great mass of the people are as good as any other people; I am of opinion that when once they see that the people of the nation are determined to sustain the reconstruction policy of Congress and President Grant; that the present status is to be the fixed status of the Government; when they abandon the idea, which, in my opinion, had its origin more in passion than reason, of overthrowing or disregarding as null and void the reconstruction fourteenth and fifteenth amendments, and the congressional legislation under them, they will accept the situation—reason assume its throne. They will see, as some of them are beginning to see, the necessity of putting down all disguised bands, and that the time will soon come when the name of a disguised Ku-Klux will be more odious than ever was the name of "carpet-bagger" or "scalawag," and that under the Constitution as it is, with its amendments—a perpetual, indissoluble Union, a National Government, with the powers of a government to protect itself and its most humble citizens—we will, in my opinion, enjoy a peace and security and grow to a prosperity and greatness we have scarcely ever dreamed of in our wildest visions. This is founded on my fixed opinion that these outrages grow out of political causes, political passions, and hates, and that when these hates and passions subside, whatever is personal and done by bad men, all good men, uniting in good and serious earnestness, will soon be able to put it down. If I was of opinion, or could be made to believe, all the outrages that are known to have been committed was from mere personal hate, malice, and pure wickedness of heart, and that whole communities, standing by, either sympathizing or looking on indifferently, and in many instances inflaming the minds of the people against victims, instead of seeking to punish the perpetrators; in that view I should not and could not entertain the opinion or hope of good from such a people actuated by such passions. I would as soon expect the "leopard to change his spots, or the Ethiopean his skin" as to see such a community amend its ways.

To the committee:

The above well and deliberately considered opinions I have written down under the solemnities of my oath, and, through Mr. Buckley, present them to your consideration and for your disposal.

J. A. MINNIS.

HUNTSVILLE, ALABAMA, *October* 6, 1871.

GEORGE TAYLOR (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live now?

Answer. I stay about three miles from here now, down on the pike, at Greenbury Smith's place, a colored man.

Question. Are you single or married?

Answer. I am a married man.

Question. Where did you live before you came here?

Answer. Since the surrender?

Question. Were you in the Union Army during the war?

Answer. No, sir, I never was in the Army. I refugeed from Stevenson, and went from there to Talladega, and I staid there until after the war. Then I came back from there up here to Stevenson.

Question. Where you had lived before?

Answer. Yes, sir.

Question. How long did you stay at Stevenson?

Answer. About two years.

Question. What time did you leave there, with reference to the election of General Grant?

Answer. It was before that.

Question. How long before?

Answer. I think it has been about two years ago.

Question. It was three years this fall since General Grant was elected.

Answer. I knew when the election was running, and, according to my recollection, I was down in Cherokee, in Colbert County. I moved from Huntsville down there. I had staid here before that. Then I staid there until the election was over.

Question. What is your age?

Answer. I am about twenty-seven or twenty-eight, I reckon.

Question. Were you a slave before the war?

Answer. Yes, sir.

Question. Have you ever seen the Ku-Klux?

Answer. Yes, sir; I have seen them.

Question. Where did you see them?

Answer. I was then in Cherokee, Colbert County.

Question. Was that before or after General Grant's election?

Answer. That was after.

Question. How many did you see together?

Answer. When I saw them—when they interfered with me—there were twelve men

Question. Were they on foot or on horseback?

Answer. On foot.

Question. Had they disguises on?

Answer. Yes, sir.

Question. Tell how they were disguised?

Answer. I will tell you. I sat up until about 2 o'clock in the night, and laid down, and they came to my door about 3 o'clock, I reckon. They rapped at my door. I was asleep and thought I heard some person. In opening the door they made a noise that awakened me, and they were right at the bed when I waked up. They being there in that way, and I not knowing who they were, I was excited, and I drew back and struck one, and they got around the bed, (my wife was also in it,) and they gathered me and took me out of doors. They rapped and struck me with a pistol a time or two on the head, and the blood commenced running down. They took me about thirty or fifty yards right opposite the house. The first move was to lay me down on the back, but they could not hold me that way and whip me, and they laid me down on the face, and sat on my head and on my arms and on my feet, and they whipped me. I think they all whipped; they took it around and around. After they got through whipping me, they took some sharp instrument and stuck it into me all about over me. I could not move. They did not allow me to even groan. I held my breath to save myself a few minutes. They said they believed I was dead, and took me up and shook me and rubbed the hand over my face. After they did that, they passed a law; twelve of them got around me; they put pistols all around my head, and told me I would have to leave that place by Sunday night, but another, the captain, said, "No, give him until Tuesday," and that if I did not leave by Tuesday night I would go up. So I left there, and all I had I lost principally. I was making a crop there, living with a gentleman named George Duncan. He was asleep when they came, he said, and did not know anything about it. My wife went down to see him and he came up, and by that time they were gone. I left there and came up here to Huntsville, and staid here four or five weeks, and then went off across that mountain, (southward,) across Flint River, and attended meeting there; and then I moved back here two or three weeks

before Christmas. Then I staid out at Mr. Tom Macaulay's, and made a crop there last year. Then I moved down on the pike to Greenbury Smith's place.

Question. Have you been back to where you were whipped?

Answer. I never have been back there.

Question. Did you have any property?

Answer. I had a bargain for two horses and had commenced paying for it, and bought my meat and sugar and coffee, and had several things in my house which amounted to a heap. But they took me off in an excitement, and I did not hardly have my mind for two or three weeks, they beat me so—beating me about the head so that I hardly knew anything.

Question. Did you wait until Sunday night?

Answer. I staid until Tuesday evening. That was done Saturday night, and they gave me from Saturday night until Monday night to stay, and I had to leave Tuesday. I left then. I left my wife there, and she came up here afterward. Then a party of them run a garnishee or an attachment on what I had down there, and made me pay $12 or $13 on it, and my losses, according to my judgment, were over $500—what I had before me and all that I lost by leaving.

Question. Did you have a crop in the ground ungathered?

Answer. I had made arrangements with this gentleman. I had two mules and sixty acres of land, and my provisions to last all the year, and never got it. I had bargained with him for a horse which was my horse.

Question. How much had you paid on the horse?

Answer. I do not know how much. I was going to work it out.

Question. Had you worked some on it?

Answer. I had commenced cutting wood, and so on; you know how it is when a colored man buys anything.

Question. Had you paid for your groceries or provisions?

Answer. Yes, sir.

Question. Did you see any appearance of horses about where you were whipped?

Answer. No, sir; these men did not have any horses; if they had, they were back in the woods; but I didn't see any.

Question. Were you and your wife in the cabin by yourselves?

Answer. Yes, sir.

Question. How far was it to your nearest neighbor?

Answer. About as far as to that house across the street there.

Question. Did you know any of those men?

Answer. No, sir.

Question. Neither by their sizes, nor voices, nor general appearance?

Answer. I could not say that I knew any of them. I might have known them, but they took me in an excitement, and in the night and disguised; that would disturb a man's mind so he could not tell.

Question. You say you set up late that night?

Answer. Yes, sir.

Question. Were you expecting the Ku-Klux?

Answer. I went over to the place—to town.

Question. What place?

Answer. Cherokee, and went into a gentleman's store. His name is Dean. They were talking secrets. Two other white gentlemen were there, and he stepped back where I was, and says, "How dare you stand here and listen to white gentlemen talk; you black impudent son of a bitch, walk out of my house or I'll blow your brains out in a minute." That was Saturday night. I cannot say it was him or them that came to my house.

Question. What reason did they give for whipping you at the time?

Answer. They didn't give any reason at all at the time. I asked them; some came to me, and I said, "What did you abuse me for?" They said, "It's none of your business." But before the presidential election came on, I was preaching down in that settlement, and the land-holders with black ones on their land there told the black ones not to keep my company, for they thought I was a northern spy in there preaching Union; and if I didn't vote for them, they intended to put me up, and they didn't think I was raised in the southern part any how. They asked me if I was. I told them that I was—that I was never in the northern part in my life. I voted a southern ticket at that time when the election came off to save my life.

Question. A democratic ticket?

Answer. Yes, sir: the democratic ticket. I voted for them. I thought they wouldn't interfere with me. They didn't interfere with me; but it seemed after I voted with them they were not satisfied.

Question. You were a preacher, you say?

Answer. Yes, sir.

Question. Of what church?

Answer. I belong to the Methodist Episcopal Church.

Question. The Methodist Episcopal Church North, or South?

Answer. The Methodist Episcopal Church, North. Parson Lakin, perhaps you know him, is the main elder of the church here in Huntsville.

Question. Was that church organized under his direction?

Answer. Yes, sir.

Question. And you were a preacher in it?

Answer. Yes, sir.

Question. You say these white men told the negroes not to go and hear you preach, as you were a northern spy?

Answer. Yes, sir. They did this thing against me, and I didn't know it until the colored people told me about it, and they advised me to leave that country; but I had married there and behaved myself, and never knew anything about politics any more than I heard men say; but never took up time with politics.

Question. Did you ever preach politics in the pulpit?

Answer. No, sir; never.

Question. You have kept your political sentiments to yourself?

Answer. Yes, sir.

Question. Had you given any offense, so far as you knew, to the white people?

Answer. No, sir; I behaved myself and never gave any offense at all. They seemed to think much of me.

Question. Were you industrious during week days?

Answer. Yes, sir; I worked and labored hard. These facts can be proven now.

Question. Were you married and living with your wife at the time?

Answer. Yes, sir.

Question. Describe as well as you can the false faces and clothes that these Ku-Klux had on.

Answer. They had on something like an old-fashioned hunting-shirt, as they have them in this southern part. They had a belt around them, and were buttoned plumb up here, and had a black gown that came all around; some had black gowns and some other colors. They were of different colors.

Question. What did they have over their heads?

Answer. It seemed to me like a cloth; it had marks made over it for eye-brows, and holes cut for eyes, and a place for the nose, and they were tied around the neck and back of the head below, in some way, and under the chin. That is the way they were fixed.

Question. Had they horns?

Answer. Some of them had something like horns. They were not all disguised alike. One had on one kind of thing, and another had another thing. Some had on something that stuck away out in front like a sheep's head, and some stuck away up high.

Question. Where did they say they came from?

Answer. They said they were just out of the moon. They had some kind of whistle blowing.

Question. Did they make any threats or require you to leave the country?

Answer. Yes, sir; when they whipped me they told me I had to leave the country, and if I didn't they would put me up. The gentleman I was living with, Mr. George Duncan, as fine a man as I ever lived with in my life, wanted me to stay there. Next morning I went down and showed him. I was bloody from my head down to my waist, as bloody as if I was in a slaughter-house.

Question. Did they require you to strip?

Answer. No sir, I had gone to bed and had my clothes off; only my drawers and shirt on.

Question. How many lashes did they strike you?

Answer. I can't say, except from the time they took; I reckon it was three hundred or four hundred lashes. It was very severe. I could not sit or lie down for a long time. It cut into my backbone so deep that it is still affected. My back was sore for two or three months.

By Mr. BECK:

Question. How long had you lived with this man George Duncan?

Answer. I staid there I reckon about a year, not quite a year. I married the same year I moved there. I married and went up there along in March, I think, and attended garden for him.

Question. This whipping took place the winter afterward?

Answer. It took place directly after Christmas, a week or two weeks after Christmas.

Question. The time of the whipping was about two weeks after Christmas?

Answer. Yes, sir.

Question. There was no crop in the ground then?

Answer. No, sir; only we were making preparations. I had two mules that were to tend sixty acres, and he was to give me half of what I made, he to furnish the place and everything, and the stock, and to feed the stock. I gave him half.

Question. Your loss was what you think you could have made if you had been permitted to carry out your contract?

Answer. Yes, sir. I worked night and day, and had two or three hundred cords of wood cut that I got a dollar a cord for; I had men hired to cut the timber laps already down; I was making two or three dollars a day.

Question. Can you read or write?

Answer. I can read a little, but not writing, sir.

Question. When did you turn preacher, and how did you manage to get along with preaching?

Answer. A man can read enough to understand the Scriptures and preach, but when it comes to writing, it is a different thing.

Question. Could you read a book like that? [showing the witness the volume of printed Alabama testimony taken by the committee.]

Answer. I do not suppose I could. It depends on what a man studies. If a man studies the Scriptures, it comes more natural and easy to him to read it; but you know more about that than I do, for you are a scholar.

Question. I only wanted to know whether you could read and write, and the extent of your abilities in that way, you being a preacher.

Answer. I can read a little, but not to read such books.

Question. How long have you been preaching?

Answer. Ever since I was young. I professed religion when I was twelve or thirteen years old, and went to preaching while I was young.

Question. While you were still a slave?

Answer. Yes, sir.

Question. You have been preaching ever since?

Answer. Yes, sir, trying to do so, and to do what was right.

Question. Have you had a particular congregation?

Answer. No, sir. I did not have none of my own; are you speaking of slavery times?

Question. No, when you were whipped?

Answer. No, I was under preachers in charge, and was sent to preach here and there. They sent me, according to the system of our church, to this place and that, to Tuscumbia, and across Tennessee River. Now I am a local preacher, a minister of the gospel; but I was not at that time.

Question. You were just preaching about wherever they sent you?

Answer. Yes, sir. Like a man was on a circuit; I was acting in the circuit preacher's place. The church was not organized then as it is now, because the country was torn up so.

Question. You have not been disturbed since you came up here?

Answer. No, sir, no person has interfered with me since I have been here.

Question. That was the January after the President was elected?

Answer. Yes, sir.

Question. January, 1869?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Was there much opposition there among the white people to the organization of the Methodist Episcopal Church, North?

Answer. Yes, sir, a good deal; and I expect until now there is, because Parson Lakin, who is the elder of our church, preached down at Tuscumbia. That was the head church there. The old Southern Methodist Church, or white people that used to own the people in slavery, would not have anything to do with the Methodist Episcopal Church. They didn't recognize it, and didn't want any black people to join it; because, they said, that was the church that was started for a Union society to elect Mr. Grant.

Question. That that was a society organized for political purposes to elect General Grant?

Answer. Yes, sir.

Question. Did you ever hear such doctrine advanced in the church?

Answer. No, sir.

Question. How did those whites down there like Mr. Lakin?

Answer. They didn't like him. I was talking to him; I saw him down there at the same time, and I reported to him, as I was telling you here, how I was treated down there for preaching, and he then sent me to Mr. Wager, the captain.

By Mr. BECK:

Question. You made an affidavit containing the whole of the facts?

Answer. Yes, sir. I went to him, and he directed me to come to Captain Bone here, and he told me he would carry the application on to Washington City himself.

Question. Is that it? [Indicating the affidavit as printed in the appendix to the testimony of Rev. A. S. Lakin, page 148.]

Answer. To come to the truth of the business I am not scholar enough to read all kinds of books; I could not read a book like that. I can read the Bible. I don't want to come before wise men and make a fool of myself.

By the CHAIRMAN:

Question. Do you desire to have your affidavit that you then made incorporated with your evidence here?

Answer. Yes, sir.

Question. Who drew that affidavit for you to sign and swear to?

Answer. This gentleman I spoke to, Mr. Wager. Parson Lakin directed me there, and Mr. Wager directed me to Captain Bone here.

[The affidavit above refered to is as follows:]

STATE OF ALABAMA, *Madison County, ss:*

On this 29th day of May, A. D. 1871, personally appeared before me, James H. Bone, clerk of the circuit court in and for the county and State aforesaid, George Taylor, resident of Madison County, late of Colbert County, State of Alabama, who, being duly sworn, deposes and says that in January, 1869, he was living with Mr. George Duncan, near Cherokee, Colbert County, Alabama, where he had lived ten years before; about the middle of the month, about 2 o'clock at night, he was aroused from sleep by some persons breaking down the door of his house; after the door was broken down some six men, dressed in disguise, their heads covered with a white cloth sack, and their bodies with black gowns; these men came to my bed where I was, and took me up and carried me out of the house from my wife; they took me about fifty or sixty yards, and laid me down on my back, but I fought them so they turned me on my face and stretched my arms and legs out, a man holding each. When I came out of the house I saw some more of these men. I counted twelve in all. While in this position these men whipped me, first one and then another, relieving each other. They hit me about five hundred times. They also struck me on the head with a pistol two or three times. They told me not to move or grunt or halloo; and I held my breath, and did not move when they hit me. When they shook me and I did not move, they stuck me with some sharp instrument in back, legs, and rump; all over these parts they stuck their knives. Then they raised me up, and one said, "He is dead." He then rubbed his hands over my face. I could not hold my breath any longer. And then they all pointed their pistols at my head, and said, "You must leave this county by Monday night." One of them said he could not get away; he cannot get ready by Monday night. Then they said they would give me until Tuesday. This occurred on a Saturday night, and if I was found there after that I would go up. On Tuesday night I left, leaving everything, and lost my labor.

his
GEORGE + TAYLOR.
mark.

Witness:
JOHN H. WAGER.

Sworn to and subscribed before me this 29th day of May, 1871; and I hereby certify that the foregoing affidavit was carefully read over by me to the affiant before he signed and made oath to the same.

JAMES H. BONE, *Clerk.*

HUNTSVILLE, ALABAMA, *October* 7, 1871.

WILLIAM HENDERSON (colored) sworn and examined.

By the CHAIRMAN:

Question. How old are you?

Answer. I don't know, sir.

Question. Where are you living now?

Answer. I am living here in town, out at Mr. Davis's grove.

Question. Where did you live last August?

Answer. At Mr. Calvin Goodloe's.

Question. What county was that in?

Answer. Colbert.

Question. Were you working upon Mr. Goodloe's place?

Answer. Yes, sir.

Question. Were you married?

Answer. Yes, sir.

Question. Living with your wife?

Answer. Yes, sir.

Question. Were you visited at that time by any Ku-Klux?

Answer. Yes, sir.

Question. Go on and tell the committee all the particulars.

Answer. Mr. Goodloe and me sat up that night, on the 15th of August, until about 11 o'clock at night, talking about one thing and another. He is the man I was working for: I went home and laid down. I shut my door and latched it on the inside. There was a gimlet-hole bored through, and a string came outside that was fastened to the latch. My wife was not at home. She was a mile and a half off. My wife's biggest boy was with me.

By Mr. BUCKLEY:

Question. What is his name?

Answer. Mack Henderson. It was about 12 oclock when I went to sleep that night. When I woke up, there were four men standing, two in the door, and one on each side of me. They hallooed, "Strike a light, strike a light." I shook my little boy for him to get up. I looked up and saw them. There was a window on each side of my house. There was good starlight, but no moonshine. The stars didn't give a mighty good light. There was a window each side, with the windows closed down, but no shutters. I looked and saw that they were disguised men.

Question. Was a light struck?

Answer. Yes, sir; my boy struck a light in a minute, when he was told. It was a cedar light.

Question. What did they say?

Answer. They told me to get up. I got up after the light was made. They ordered me to put on my clothes. I put on my clothes. They said they wanted me to go and show them all the houses on the place.

Question. On Mr. Goodloe's place?

Answer. Yes, sir.

Question. What did they say they wanted you to show the houses for?

Answer. There was Cater Thompson had killed a man a little before that, three weeks or a month before, and they were hunting him, as they told me.

Question. Was Cater Thompson a colored man?

Answer. Yes, sir.

Question. They said they were hunting him?

Answer. Yes, sir. After they got out of my door, I made an attempt to go to the houses where people were living on the place. We went right through Mr. Goodloe's yard. They halted me then, and didn't want to go that way, but around by the quarters. That was half a mile. I told them I didn't know Cater Thompson when I saw him. They said, "No difference; come and show us the houses." I went on with them until we got about half-way from Mr. Goodloe's house to his quarters, due west from his house. The railroad was in the south. When we got about half-way from Mr. Goodloe's house to the quarters, they said they didn't want to go that way. I told them that was the way to the quarters. They said they didn't want to go that way. I said, "There's no use in my going. I don't know that man when I see him." They said I must go. They went on to the quarters. Right on the railroad they halted, and asked me if I knew that place. I told them I did. They said they had better not go any further, and one reached down and picked up a rope, and another picked up a bottle of whisky, and one said, "We'll have to tie you. We're afraid you'll run off and not show us." I told them I wouldn't. They said they would tie me, and they tied me. One said, "Tie him tight; he's a mighty stout nigger." They tied my hands, and tied the rope around my right leg and behind me. When they got about half a mile further, the rope was cutting my arms, and I begged them to slacken it a little. They said no, they wouldn't; they wouldn't hurt me; to come along peaceably. They wanted to go to Whit Newsome's place, to find John Atkinson's house; they believed he was there.

Question. Who?

Answer. This Cater Thompson. I went with them to John Atkinson's house, and I showed where it was. They said, "O, we don't want John Atkinson's; we want you; we want to put you on the other side of the river to keep you from appearing at the next court; that's all we want—to keep you from appearing at the next court." We went on a piece, two hundred or three hundred yards further, and says he, "Who told you to have us brought up in court, anyhow?" I told him nobody. He says, "You're a God-damned liar," and punched me with a gun. He says, "Didn't Mr. Whit Dean tell you to carry us to court?" I said, "No, sir." Then two of them drew a gun on me, cocked, and says, "Didn't Whit Dean tell you?" Then I says, "Yes, sir, he did." Says he, "Who else told you?" I said, "Nobody." Then Billy Malone—for, mind you, I knew two of these men then—Billy Malone says, "Didn't Calvin Goodloe tell you?" Says I, "No, sir." Then he turned in and punched me in the back with a gun again, and says, "Didn't he tell you?" Says I, "No, sir, he didn't." We went on. He says, "Everything I ask you, you call Dean and Goodloe God-damned black sons of bitches; do you hear?" I said, "Yes, sir." He kept asking me questions to make me say Whit

Dean was a God-damned black son of a bitch. When they got to the horses, they asked me, "Did Mr. Dean tell you the first time to carry them to court? Did he tell you what to do?" I said, "No." He says, "You told me so." I said, "You looked like you were going to kill me." He says, "Didn't he tell you so?" I said, "Yes." They went on, good two miles from where they took me, to where the horses were. When they got to the horses, they had made up a little brush fire with sticks in the bushes. When they carried me up there, they halted and took a drink—all of them. Mr. Billy Malone is as large a man as you are, I reckon, [Mr. Pratt, the chairman,] and a young man, too. Mr. Duce Lindsay flung the curtain up from his face and drank. After they drank, and I kept looking at Billy Malone so, for I had lived with him for twelve months, and I knew his size and voice and face, and kept looking at his face, and Mr. Holseapple walked up and jerked me by the back of the collar and kept me from looking at Malone, and he went and mumbled to Mr. Malone, and he pulled the veil over his face again. They went on half a mile north of there, and they said it was getting too nigh day, and they tried to make me get up on the fence and get on the horse behind them. Then we were on the straight Newport road to the river. I was so tied by the hands and legs that I could not get up, and one of them, Mr. Duce Lindsay, walked up and caught me by the arm and pulled me up on the fence so I could get on the horse. I got on the horse and put him in a right smart gait, pacing and loping. When I got half way my hat dropped off, this very hat that I have here now. This place was in the hat then that the puppy had torn that very day playing with it. My hat, when I got half way to the river, which was a mile and a half, dropped off, and one of them got down and got it. There were two men I didn't know. I never saw their faces. One of them got down and got my hat. He was right behind Mr. Billy Malone, on a gray horse, which I am content was Mr. Frank Rankin's gray horse. Mr. Duce Lindsay was riding Mr. Holseapple's horse, and Mr. Holseapple was riding a big bay, a sort of high-tailed horse, a natural pacing horse. That night I didn't know the horse at the time. I knew him, too, but I couldn't make him out. I knew the horse very well, though. There was one pony in the crowd I didn't know. There were four horses and five men. It was a sort of light, roanish, mustang-looking pony. When we got half-way to the river my hat dropped off, and the one right behind, Mr. Malone, got it. When we got to the river, Billy Malone, and Holseapple, and this other man had rode on, and got a skiff, to carry me across, as they said; when we got there, they were standing right before the Newport store-door, and in about ten steps of it. When they dismounted horses, they told me to get down. I said, "Gentlemen, I can't get down; please help me down." One of them ran up, and catched me by the collar, and pulled me off. That was Mr. Duce Lindsay. Then Mr. Billy Malone was sitting right in front of me, again, by the fence, holding the two horses. He is as large a man as you [Mr. Pratt] are; there isn't any other such a man as he is in that settlement. There is as big men, but not like him. I knew him by his size, and face, and voice. I stood there looking at him, and Mr. Holseapple walked up, and catched me by the arm, and told me to walk down by the river bank. He walked on before, and told them to follow him. We were standing upon the river bank; the water had fallen down about twenty-five feet. We marched down to the edge of the water, and took up the river about one hundred and twenty or one hundred and thirty yards, I reckon; it may be more. There we came to where Mulberry Creek runs in the river, and the skiff was in the mouth of Mulberry Creek. They bailed the water out of the skiff. Mr. Holseapple went in first, and called in Mr. Duce Lindsay, and then told me to get in. After I got in, he told this other gentleman that I didn't know, that I hadn't seen the face of, to come in by me. That left me in the bow of the skiff. When we got about half-way across, Mr. Holseapple says, "God damn it, I am not going to carry this nigger across here. It's too nigh day; I can't get back home. I can't carry the damned nigger across." Says he to me, "Get out." I says, "I can't get out; if you will untie me I can." He says, "Fling him out." This one I didn't know says, "Fling him out; shall I fling him out?" He says, "Yes." He put my feet on the bow, and turned me over backward, as I was begging him to untie me. The last I remember he was holding me under water with one of the canoe paddles. I commenced struggling under water, and when I found myself, I had got one hand untied, and had come up to the top with one hand untied. I staid on the top a little while, and then I had got so full of water and so near tired out, I couldn't hardly swim, and I went down again. As I went down again, I struggled and got out the other hand. Then, when I got to the top again, I staid. I looked and saw the men fastening the skiff at the bank, and I came out until I got to water up about here, [the eyes.] I took a cramp in one hip and thigh. I aimed to swim and did swim until I got to where the water struck me around the waist before I stopped. Then I stopped and untied the cotton plow-line from my leg. The day was then all open good almost. Then I went on almost to the bank. I had got so worn out and was cramped in one leg, and I had to lie down in the water, and then I crawled out on the bank through the mud and water. I could not walk to save my life. Then I laid down, and flung up water and one thing and another, until I got so I could walk. I went up again a little further, and threw up again on a stump, and got so I could do

pretty well. I thought they might be lying in the woods, and I pulled out home, watching to get to Mr. Goodloe's without being caught; and I went through Mr. Haley's field, and Mr. Oat's plantation, and Barton's, and by that time I was into Mr. Goodloe's land, the man I lived with. When I was coming to him, he motioned to me to come into the garden. The way I went to his house I came into the garden first. He motioned to me and came to me very peert, and he asked me if I had been after the doctor. I told him, "No, sir; I couldn't go after no doctor." Says he, "Why?" I says, "The Ku-Klux came last night and took me." He walked off and came back, and said, "Henderson, don't you tell me no crooked tales; you know no Ku-Klux could have taken you off last night without my knowing it; some one would have told me." Old man Lewis and me did live under one roof. I told him they did do it. He asked me which way they carried me; which way they went with me. I told him which way they went. He asked me did they have horses. I told him where their horses were. He asked me where they came into the river. I told him. He went to my little boy and asked him. The boy said that the men came in there; that he never saw but four. There was but four in the house, but one stood out of doors, and that made five. Then he asked uncle Lewis did he see them. He said he heard them talking and knocking at the door, but didn't know what it meant. Then he got on his horse and took the road I told him the men went to find them; to find the track of them, and see if there was any signs. He got down to the river where they carried me, and Mr. Goodloe lost his powder-gourd, and he sent me after it the next day. I came home then, and staid there two days after that was done. Then I came up here.

Question. This, you say, was the 15th of August last?

Answer. Yes, sir.

Question. You may describe the disguise of these men that you saw in your cabin. How were they dressed?

Answer. They had on some kind of black overcoat that came down nearly to the heels, and around the tail of it a white stripe. The cape and coat both had white stripes up and down the front, and a white stripe around the wrist of the coat. They had on hats, and veils under the hats, that came down over the face and down on the shoulders behind.

By Mr. BUCKLEY:

Question. Were there any places for their eyes?

Answer. No, sir; they had on veils.

By the CHAIRMAN:

Question. Were they common hats?

Answer. Yes, sir.

Question. There were five in all, you say, four inside of the cabin and one outside?

Answer. Yes, sir.

Question. How many of these five did you know?

Answer. I didn't know any one except by the size in the house. I never saw any one's face in the house. I didn't know any one there except by the size and walk. That was Mr. William Malone. I knew him by his walk. He has a walk different from any man I ever saw, and he is a man as big as you [Mr. Pratt] are. I know him in the house.

By Mr. BUCKLEY:

Question. Did you see any of their faces?

Answer. Not in the house.

Question. But after you left the house, did you?

Answer. Yes, sir. And then, as I was telling you about Mr. William Malone punching me, I knew his voice, for he spoke in his natural voice then, and I was then certain. After he took the drink I saw his face. Then I was not much scared, because I knew the principal part of the men, and I saw Mr. Duce Lindsay's face. I rode with him with the veil over his face talking with him.

By the CHAIRMAN:

Question. You are well acquainted with them?

Answer. Yes, sir. I lived with Mr. Malone last year, and I traded at Mr. Duce Lindsay's store.

Question. When they told you they wanted to put you on the other side of the river to keep you from appearing at court, what did they refer to?

Answer. It was to keep me from appearing at court against Mr. William Malone.

Question. What was William Malone accused of?

Answer. Of taking a crop from me.

Question. Had you sued William Malone?

Answer. I didn't say sue him. He had threatened me to kill me. I was afraid to go anywhere, and nobody would hire me, because he wanted me to work for him this year, and I would not do it. He claimed me to live with him, because I had promised. I

thought if I would promise to stay with him this year, he would give me my crop. I found he would not do it, and I wouldn't stay with him. He told me he would have me killed, and have the Ku-Klux to do it. He said if I didn't live with him, he would have me killed; I shouldn't live in this country.

Question. Had you threatened him?

Answer. No, sir. I went to Squire Bell to have a settlement with him, and after he would not do it and threatened me, I asked for a peace-warrant, but instead of that Squire Bell issued a warrant for us to settle, and he took away all of my crop at the last settlement. Then he issued a peace-warrant for me, and they came and made a settlement to Mr. Malone's advantage, and I took an appeal to the court, and he was going to kill me before it came up in the court.

Question. He told you he would not kill you himself, but have the Ku-Klux to do it?

Answer. Yes, sir.

Question. You are sure you saw him there that night?

Answer. Yes, sir.

Question. You knew him by his voice and size?

Answer. Yes, sir.

Question. You saw his face also when he was drinking?

Answer. Yes, sir.

Question. And they were very anxious to know who advised you to appear at court against this Malone?

Answer. Yes, sir; and Mr. Holseapple, who was the captain, told me.

By Mr. BECK:

Question. Who was what?

Answer. Who was captain of them Ku-Klux. He told me at that time, "I knew that they did it, and whenever I get the right facts of it, God damn them, I'll kill them; I knew that Whit Dean told you and Calvin Goodloe told you to do this thing, for by God you haven't got sense enough to do it. I knew they did, and whenever I get the right track of it, I'll kill them, God damn them."

By the CHAIRMAN:

Question. And they finally made you confess that he did tell you to do it?

Answer. Yes, sir.

Question. But that was not true?

Answer. It was not. I knew this thing, for when I staid at Knoxville and Nashville I was in the court-house almost all the time that I staid there, and I knew that if there was any effect of law, I could get justice and so I went for it.

Question. Now you may give the names of those white men whom you saw that night as far as you knew them. Who was the captain?

Answer. Mr. Holseapple.

Question. What is his first name?

Answer. James Holseapple.

Question. Did he appear to be the captain?

Answer. Yes, sir; he was called captain, and gave orders.

Question. Who else?

Answer. Mr. William Malone; Mr. Duce Lindsay. Those are the only men I knew to make myself satisfied.

Question. Only those three you knew positively?

Answer. That's all.

Question. Did you see their faces?

Answer. Yes, sir; I saw their faces and knew them, and called them; when I came back, the first man I saw was Mr. Goodloe, and I told him the men and the horses; and the horse I swore to, Duce's brother Bob came up here and swore he had hired it the same night, and that he was with Captain Holseapple watching a mill that night.

Question. How far from your cabin were the horses hitched?

Answer. About two miles, if not farther. I will be qualified it was two miles.

Question. Were the horses disguised?

Answer. No, sir.

Question. How far was it from where the horses were hitched to the river?

Answer. About three miles and a half.

Question. What river do you speak of?

Answer. The Tennessee River. It was about two miles to the river, but to where they carried me was about three miles and a half.

Question. How far was that from your cabin?

Answer. About two miles; it was called over that.

Question. They took you a roundabout way?

Answer. Yes, sir; they took me due south, and the river was due north, and they took me due west about two miles and due north about one-half a mile, and due east three miles, and then I had to turn north about half a mile.

Question. You say your hands were tied behind you?
Answer. Yes, sir.
Question. With a rope?
Answer. Yes, sir; with a plow-line.

By Mr. BUCKLEY:

Question. Were there any marks of the rope on your hands or wrists?
Answer. Yes, sir. I showed them to Mr. Goodloe the next morning. There were knots on both my wrists as big as my finger, and after they got well there staid a black mark on my arm for weeks.

By the CHAIRMAN:

Question. You say there were five men and four horses?
Answer. Yes, sir.
Question. How did the fifth man travel?
Answer. He rode behind about half way to the river, and then he walked; but before we got to the river all walked.
Question. You rode behind Malone?
Answer. No, sir; behind Duce Lindsay.
Question. Were your legs tied when you were riding the horse?
Answer. No, sir; only one leg. My hands were tied, and the rope came around and tied one leg.
Question. What did they say they were taking you across the river for?
Answer. To keep me from appearing in court against Mr. Malone.
Question. Was court then near at hand?
Answer. I don't know exactly at what time court was, but it was some time in this last month past.
Question. Could you tell which one it was that pushed and held you down with that oar?
Answer. No, sir.
Question. How far were you across the river at the time they threw you out of the skiff?
Answer. I didn't expose I was quite half-way. I thought I was half-way, but I don't expose it was. After I went back next day and saw the river I didn't think I could have been half way.
Question. How wide is the river at that place?
Answer. About 1,800 yards from one edge to the other.
Question. How deep was the water at the place where you were thrown out of the skiff?
Answer. I don't know; I can't say; but I knew this, it was a great deal deeper than I was high.
Question. It was over your head?
Answer. Yes, sir, a great deal.
Question. You say they refused to untie your hands to give you a chance?
Answer. Yes, sir.

By Mr. BUCKLEY:

Question. Were your feet tied when you were thrown into the water?
Answer. Yes, sir; they tied both together after they got to the river.

By the CHAIRMAN:

Question. Before they put you in the skiff?
Answer. Yes, sir. They didn't tie them plumb up together; I could work them a little in this way, [illustrating.] One leg was already tied. The rope was a long plow-line, and one man walked behind and held it like driving an ox or anything of the kind, and when we got down there he tied both legs.
Question. Had you had any trouble with any of these men except Malone?
Answer. None, only when I had them bound—when I had Mr. Malone and Mr. William Newsome under a thousand-dollar bond, because they had made threats. At the time Mr. Duce Lindsay and Bob Lindsay and William Newsome and William Malone were going to whip me one day at Cherokee, and Mr. Duce Lindsay said, "You can't whip that nigger; he's not going to let you whip him;" and he says, "I'll bet you a thousand dollars I'll go in there and hold a pistol over him, and you may whip him as much as you please." He says, "If it is a thousand dollars, put in all you will toward it, because I'll do it." Then I said, "Mr. Dean, don't let them do it; I want to go home with the express." I had come for express.

By Mr. BUCKLEY:

Question. Is Mr. Dean a merchant?
Answer. Yes, sir. I had to get some express, and the train was ten or twelve minutes late, and I was waiting, and I said, "Mr. Dean, don't let them abuse me. If they

go to abuse me I might run off and leave the express-wagon." He says, "They shan't whip you; you were sent for express." When they found he was trying to protect me they didn't say anything more to me. When I drove across to the depot Mr. William Malone was sitting there. I was waiting for the train. He rode across to where I was and said was I done with that suit. I said, "I am not doing nothing about it now." He says, "You went to Mr. Rather Mayer and Burns Mayer," which they had taken the case in hand. I had taken an appeal to get my crop.

Question. Were they lawyers?

Answer. Yes, sir; they were up here to defend Mr. Malone and them Ku-Klux. I went for them, but after they got here I suppose they gave them $500, and they took their case in hand. He says to me, "You've a lawyer; I've heard you give that case in hand to Rather Mayer and Burns Mayer to attend to, and I'm going to kill you."

By the CHAIRMAN:

Question. Who said this to you?

Answer. Billy Malone. Says he, "I'm going to kill you. If it was not for these two women sitting there, I come to do it now." There was two women there. "But I'll meet you at another time. I'll meet you in some of these roads, and I'll kill you, nigger. You've got to drop that suit or I'll drop your life." I went up afterwards and had them bound over to keep the peace. He went to Mr. Burns Mayer and Rather Mayer and submitted the case to them and offered a five-hundred-dollar bond; and when he was there I stepped into Burns Mayer's office, and he was in there offering his five-hundred-dollar bond, and he went down and plead guilty and offered his bond, and they asked me if it was satisfactory, and I told them it was not, and they put him under a thousand-dollar bond. That was all that passed.

Question. How many did you have bound over to court—Billy Malone and who?

Answer. Billy Newsome.

By Mr. BUCKLEY:

Question. Before whom or by whom were they bound over—what squire?

Answer. Green, I believe his name is, of Tuscumbia.

By the CHAIRMAN:

Question. How long was this before the 15th of August, when you were Ku-Kluxed?

Answer. It was the 15th of August when I was Ku-Kluxed.

Question. How long was it before the 15th of August that you had Newsome and Malone bound over?

Answer. Well, sir, it was about a month and a half, I reckon.

Question. Had you ever had any trouble with Duce Lindsay?

Answer. None, only they wanted to help Malone to whip me.

Question. Did you know Lindsay?

Answer. Yes, sir. You see I trade with them, and he and Mr. Malone had taken all my crop, and I could not see what it was for. After I had traded with him they had taken my crop and threatened me. That evening I was settled with to make me say I was satisfied; and Mr. Bob Lindsay came up and swore I said I was satisfied; and he drove his wagon up there, and they took my crop and hauled it away. I didn't like that, and therefore they were going to whip me at Cherokee the first time they met me there.

Question. How long did you stay in that neighborhood after you were thrown into the river?

Answer. Two days.

Question. Have you ever been back there since?

Answer. No, sir.

Question. Have any of these men ever been taken up for Ku-Kluxing you?

Answer. Yes, sir; they have been taken up and have been up here and tried.

Question. Before the United States commissioner?

Answer. Yes, sir; Captain Day.

Question. Are they bound over to court?

Answer. No, sir; he relieved two of them in here that day and that night; some time in the night he relieved the other one; he told me the next morning he had.

By Mr. BECK:

Question. Who were those who were tried before Captain Day and acquitted?

Answer. Mr. Holseapple, Mr. William Malone, and Duce Lindsay were the three men who were tried here; and they hadn't acquitted Mr. Holseapple that evening; they had acquitted two, and in the night, some time that night, they acquitted him.

By the CHAIRMAN:

Question. Was there any other witness against them except you?

Answer. Yes, sir; Mr. Calvin Goodloe and my boy Mack, now going on thirteen years old. I had several witnesses subpœnaed, but they didn't but two of them come up.

Question. It was tried here in Huntsville?
Answer. Yes, sir; right here.
Question. When was it?
Answer. I don't know exactly.
Question. How long after you were thrown into the river?
Answer. Five or six days.
Question. Do you know whether Mr. Goodloe went after you were Ku-Kluxed to the places you described, where you had been on the road, and where you crawled out of the river?
Answer. Yes, sir; he went down there with his shot-gun, hunting something on the way, and he loaded his gun right by a tree and left his powder-gourd there, and he sent me for it afterward, and therefore I know he went.
Question. Were these men who Ku-Kluxed you all white men?
Answer. Yes, sir; but I think, though, when it comes to be testified, that a black man brought them to my house and showed them how to get into it. I have learned that since court was over, and it can be pretty well proved.
Question. Some enemy of yours?
Answer. I didn't think he was; me and him was just the same as two brothers when he staid down there. I don't know whether they forced him to do it or how it was done.

By Mr. BUCKLEY:

Question. How far was it from the river back to Mr. Goodloe's house, the way you went, across the fields and plantations?
Answer. About two miles and a half or three-quarters.
Question. You got back about what time in the morning?
Answer. About half an hour by sun. The sun was not half an hour high.

By the CHAIRMAN:

Question. Are you sure that some one in the skiff attempted to keep you down with a paddle after you were thrown into the river?
Answer. Yes, sir.

By Mr. BECK:

Question. Henderson, what became of the other two men after you got to the river?
Answer. They staid where their horses were. The horses were up on the bank, and the other two men staid there with the horses.
Question. Malone, Lindsay, and another man got in with you?
Answer. No, sir, Malone and a man, I don't know who, staid there with the horses, and Mr. Lindsay and Mr. Holseapple went in with me, and another man I didn't know.
Question. Holseapple, Lindsay, and a man you did not know went out in the boat into the river?
Answer. Yes, sir.
Question. Did you get out on the same side of the river on which you went in?
Answer. Yes, sir, about thirty or forty yards above where I went in. They carried me up the river a good piece, right beside the river bank, before they struck out across.
Question. They took you, as you first thought, about half way, now you think not quite half way?
Answer. I don't think it could have been half way, because I have swum the river there too often. I lived a quarter of a mile up the river from there the year before that. I had often swum it before, and the way I swum and was worried and almost broke down, it couldn't have been half way.
Question. When you came to the top of the water had the men got back to the shore?
Answer. When I came to the top of the water, the first sight I can't tell you, because I was near strangled to get my breath, and couldn't look, and I didn't stay at the top of the water but a little time and went to the bottom that time, and when I rose again I was loose in both hands and in the act of swimming, and I looked then particularly, and they were at the bank, landing, and I wanted to go to the bank, and looked and was afeared to make a show or they would see me and shoot me. I just staid on the top and swum lightly. I didn't know but they would look, because I could see anything on the water up or down. The light was good. I just staid under the shade of a tree, and the water would wash me out a little, and I kept as easy as I could so they could not see me. They were going away from the bank in a trot, like as if they were in a hurry to get away, and I found they were not noticing me and I put for the bank, and before I could get there I took a cramp. I don't know whether I made any fuss or not, but nobody paid any attention. I had to get down in the water, and came down on one leg and crawled. I couldn't get along any way but to crawl. The cramp was in one leg.
Question. Did the shade of the trees reach over to where you were in the water?

Answer. Not when they flung me out, but I swam to the shade. They were very tall trees, and the moonlight was so it flung the shade out into the river, and that was where I got to when I saw the shade of the trees.

Question. When you were flung out, if you had been in the middle you would have been 900 yards from the shore?

Answer. I reckon I would. I know it was 1,800 yards from bank to bank.

Question. Then the middle, of course, was 900 yards from either bank?

Answer. Yes, sir.

Question. Is William Malone a farmer?

Answer. Yes, sir.

Question. Had you lived with him all last year?

Answer. Yes, sir.

Question. Who had you lived with before that year?

Answer. Mr. Campbell.

Question. What is his first name?

Answer. Dick. He is right on the river, where I told you I lived on the river.

Question. Was he a witness in this trial?

Answer. Yes, sir, for Mr. Malone.

Question. Did he swear on that trial that you were a very bad negro?

Answer. Yes, sir.

Question. Who had you lived with before that?

Answer. I lived with Mr. Sleighton, on the railroad, right at Cherokee, and staid principally at Mr. Whit Dean's.

Question. How long had you known Mr. A. Horton?

Answer. About four months.

Question. Was he too a witness?

Answer. Yes, sir, for Mr. Malone.

Question. Mr. Aleck Malone; how long have you known him?

Answer. I never knowed him.

Question. Mr. Rutherford.

Answer. I never knowed him.

Question. Did you know Marion Matthews?

Answer. I lived by him this year up to August.

Question. Robert Lindsay, how long have you known him?

Answer. About two years.

Question. Neill Gannon, how long have you known him?

Answer. Never knew him until I saw him in court.

Question. James Carter, colored; how long have you known him?

Answer. About fourteen months.

Question. William Matthews, colored; how long have you known him?

Answer. About two months.

Question. Did not these seven white men I have named and the two colored men all swear before United States Commissioner Day that you were a very bad man and unworthy of belief on oath?

Answer. Yes, sir.

Question. Did you bring anybody to prove that you were a man worthy of belief on oath, except Mr. Goodloe?

Answer. No, sir; but why? Because I didn't come with that intention. I came with the intention of what was before me, and I can prove that one of the main witnesses you had on your account just now, right here in town now, will do away with his own testimony. That is Matthews, which gave the greatest testimony against me in court. He does away with it. He is right here in town now.

By Mr. BUCKLEY:

Question. Give his full name?

Answer. William Matthews, a colored man.

By Mr. BECK:

Question. Did not those men you arrested, Malone, Lindsay, and Holseapple, prove before the commissioner that they were somewhere else that night?

Answer. Yes, sir, all of them proved that they were somewhere else.

Question. And the United States commissioner believed that and discharged them?

Answer. He believed them and discharged all but Holseapple, and some time in the night he discharged Mr. Holseapple; but I swore to the men I knowed and the horses I knowed, and the man Mr. Holseapple proved the *alibi* by, I had sworn before that that horse was in the band, and still he swore he was with Mr. Holseapple and he had that horse.

Question. In other words that man contradicted you?

Answer. O, yes, sir, in other words he did.

Question. What magistrate was it who made the settlement between you and Mr. Malone?

Answer. Bell.

Question. What is his first name?

Answer. William Bell, I believe.

Question. Where does he live?

Answer. Cherokee, Alabama.

Question. Was he the man you yourself selected to make the settlement?

Answer. No, sir.

Question. Who selected him?

Answer. Mr. Malone and him, I suppose, had made that up. When I first went to him I went to him to make a settlement, but he would not do it for two or three weeks; and afterwards I went to him for a peace-warrant, and instead of that he sent a written notice for a settlement, and I knew I had to go, but the written notice was no account for that settlement.

Question. You had first applied for him to make a settlement for you and Malone, and he had refused?

Answer. Yes, sir. But three weeks before that I asked Mr. Goodloe to ask him, and Mr. Goodloe had asked him, and Mr. Malone made threats, and I asked him for a peace-warrant, and instead of it he sent a notice for a settlement, and I came and asked him what he gave it for. He said "I know better what you want than you do yourself; you go and do as I tell you."

Question. Then Mr. Bell did make the settlement with Mr. Malone and you?

Answer. Yes, sir.

Question. In that settlement they brought you in debt?

Answer. Yes, sir.

Question. After taking what crop you had?

Answer. Yes, sir.

Question. Were you dissatisfied with that?

Answer. Yes, sir.

Question. What crop did you have?

Answer. I made crops on the halves. I made three bales of cotton and twelve loads of corn, and eight of them loads of corn were with a forty-bushel wagon—a wagon that held forty bushels. Then there were four other loads with a two-horse wagon, that held fifteen bushels.

Question. How many loads of corn were there?

Answer. Twelve in all.

Question. In what way did they bring you in debt? What did they say you had got when Mr. Bell made that settlement for you?

Answer. It was an account Mr. Malone brought up for meat I knew nothing about. In the first place, that year I made a contract with him for meat. He said he would not make a contract with me for meat, and I must look out and get the best I could. What meat he did let me have he brought some three or four accounts I didn't know about; and the woman I had hired, which is my wife now, he was to pay her out of the crop, but I was to see that she did good work, and he was to pay her out of the crop $60. I brought her down, and he contested. He will say to-day she is as good a hand as ever worked on a farm. He didn't give me anything, but went to Cherokee, to Duce Lindsay, that I was trading with, and said to him to not let me have anything; that he didn't believe the crop would turn out right. I hadn't bought only a skillet and a few little things of house furniture, and some meat, only $30 or $40 worth. Still, I staid at Mr. Malone's house and waited on him, and drove his spring-wagon, and attended to his horses and hogs. I was the only black man there. I had to make my crop, and I tended for him the whole year round. Then he brought out a suit of clothes he had had two years. He said he courted in them. He asked me to buy them. I said I had no money. He said, "You take them; I want you to look nice. You drive the carriage for me; I don't want you to look dirty around me. You take them. You'll be satisfied with the price." When settlement day came he charged me $40 for the coat and pants and vest, after he had worn them two years, and been married in them. I didn't agree to it; and he had some four or five charges of meat that he couldn't give no account of, and he said the women got them. The women didn't give no account of the meat, and I wasn't willing to pay for it. That's the way my crop went, and I was not satisfied.

Question. How many acres of land did you work?

Answer. Thirteen of corn, and about fifteen of cotton; but six of the cotton was not good land, and didn't bring much.

By Mr. BUCKLEY:

Question. You made three bags?

Answer. Yes, sir.

By Mr. BECK:

Question. Three bales?

Answer. Yes, sir; bales or bags.

By the CHAIRMAN:

Question. How many acres of cotton?

Answer. It was called fifteen acres.

By Mr. BECK:

Question. Did Mr. Bell, in that settlement with Mr. Malone, agree to it as a correct settlement?

Answer. I did not ask him what he agreed to. I told him I was not satisfied, and I asked could not I take an appeal. He said I could. I asked what was the security—the bond. He said $100. I told him it was too heavy; I would see about it. He told me that any time between then and fall I could bring it in with witnesses.

Question. You had then put it into the hands of lawyers?

Answer. Yes, sir.

Question. Had you brought suit?

Answer. No, sir. Mr. Moore had wrote down to him for the papers three or four times in the two months, or two and a half, and Mr. Bell had never sent them up to Mr. Moore, that I had put the business in the hands of. I went to him and asked him how it was, and he said Mr. Bell had sent him word he wouldn't send them; that he had made such an ugly settlement, such a ragged settlement, that he couldn't send them up, and he wouldn't send them.

Question. So you think Mr. Bell was trying to cheat you too?

Answer. I don't think I had justice.

Question. What do you think of Mr. Bell's conduct?

Answer. I don't know anything about Mr. Bell, but I say I didn't have justice, in this way: I knew that things I was charged with I didn't get, and it beat me dead, and I was not satisfied with it.

Question. In the mean time you had bound over Malone and somebody else—Lindsay?

Answer. Newsome. That was after that.

Question. You bound them over to keep the peace?

Answer. Yes, sir.

Question. What connection had Newsome with it?

Answer. I suppose like many other men; Malone is a white man, and, to tell you the truth, Malone and Newsome both knew I would not let Malone whip me, and he took halves with him because he was a white man, I reckon.

Question. You had no suit pending in court at the time you were Ku-Kluxed?

Answer. Yes, sir; for my crop.

Question. I ask you had Mr. Moore brought suit for your crop?

Answer. No, sir; he hadn't brought it then. He couldn't get the papers from Mr. Bell.

Question. Then you had no suit pending when you were Ku-Kluxed?

Answer. No, sir; but Mr. Moore was wanting the papers, and sent to Mr. Bell for the papers to get it straight against we commenced.

By Mr. BUCKLEY:

Question. I understand you to say that you had one trial before Squire Bell, and did not fix up the papers for the appeal?

Answer. Yes, sir; that's the way of it.

By Mr. BECK:

Question. Up to the time when you were Ku-Kluxed, the papers had not been fixed up, and there was no appeal pending at that time?

Answer. No, sir.

Question. What did you understand them to mean by your not appearing in court?

Answer. Because I contended for my papers. They knew if there was any justice I was bound to have the papers, and I would go on and get my rights.

Question. Had you applied to Mr. Bell yourself for the papers?

Answer. Yes, sir.

Question. After you spoke to Mr. Moore?

Answer. Yes, sir.

Question. What excuse did he make for not giving them to you?

Answer. He said he had no time to fool with no papers. He said Mr. Moore had written to him a time or two for papers, and it was best for me to go on and let them papers alone—that he knew what was best for me—and for me to drop it at that.

Question. You said something about learning a good deal of law by being about the court-house at Knoxville and Nashville; what were you doing there?

Answer. I was staying there.

Question. How long ago?
Answer. I went there in 1866, at Nashville.
Question. What were you doing there?
Answer. I was living there, just as I am doing here.
Question. Were you working there?
Answer. Yes, sir.
Question. At what business?
Answer. Part of the time I was driving a dray for a colored man there. The other part of the time I got in with a fellow there, that was staying around in there sweeping and sprinkling, cleaning off yards, awhile; and then I took a trip to Nashville, and staid there.
Question. How long?
Answer. I staid at Nashville a little over twelve months.
Question. What were you doing at Nashville?
Answer. I staid at Dr. Briggs's store and office. Dr. Briggs kept both store and office.
Question. Was he around the court-house?
Answer. Yes, sir.
Question. Was he a lawyer?
Answer. No, sir; but I think he was trying to sort of half-way study it, from the action he would make when a case was on hand. More than that, I learned not so much from him, but where he staid one of the best lawyers staid, and almost every morning when he went to court he would carry me with him.
Question. What was his name?
Answer. Fields.
Question. Is he a lawyer there now?
Answer. Yes, sir.
Question. Do you know his first name?
Answer. No, sir.
Question. What white man did you live with in Knoxville?
Answer. I didn't live with no white man; I lived with a black man. The black man had rented a lot and I staid with him and drove a dray. I forget the man he got the lot of.
Question. Did you work for any white man at all in Knoxville?
Answer. Not regularly; I would do a day, or two, or three days' job for a man—first one and then another.
Question. What white man did you work for mostly?
Answer. I didn't work much for any white man; I don't remember who all I worked for; a man would want a lot of wood cut or his yard cleaned.
Question. After you came back from Nashville where did you go to?
Answer. I went down here in about a mile of Pride's Station to cut cord-wood.
Question. In what county?
Answer. I don't know in what county it is now; it used to be Franklin County; I don't know whether it is Colbert now or Franklin.
Question. Who did you work for?
Answer. Jim Pride and a man named Davis, cutting cord-wood.
Question. How long did you work there?
Answer. I don't know; about five months.
Question. After that where did you go?
Answer. I then went right to Pride's Station, working for Hy Gyer.

By the CHAIRMAN:

Question. What is his full name?
Answer. That's all I ever heard him called, Hy Gyer.

By Mr. BECK:

Question. From there where did you go?
Answer. From there I went to James Tanner's father; he hired me, but he did not have anything to do.
Question. What was the old gentleman's first name?
Answer. I don't know.
Question. Was that in the same county?
Answer. Yes, sir; it was close to Osboro. Anyhow, this same old man Horton—I didn't stay with James Tanner but a little while until I went with him.
Question. That is the man you say who gave you a bad character?
Answer. Yes, sir.
Question. After you left James Horton's where did you go?
Answer. I struck in the blacksmith shop at Osboro for a man named John Harrison. I was in about a mile of his house.
Question. Then where did you go after that?
Answer. Then the Ku-Klux got so bad they came there one night at the old man's,

and pulled my ears, and got after me about a girl there named Emma, that one of the Ku-Klux owned, so said, and me and her was about to marry, and they got after me to keep me from marrying her, and I came to Iuka on the railroad, and I worked there for Mr. Sleighton, that I told you about awhile ago.

Question. Where did you go from there?

Answer. M. A. Campbell's.

Question Another witness against you?

Answer. Yes, sir.

Question. How long did you work for him?

Answer. About seven months. I worked for him seven months, but I didn't hire for him more than a month and a half. I dug wells; I dug him a couple of wells while I was there.

Question. He was one who swore to your bad character?

Answer. Yes, sir.

Question. Where did you go after you left him?

Answer. To William Malone's, the man that Ku-Kluxed me.

Question. And then to Mr. Goodloe's?

Answer. Yes, sir.

Question. Where does Mr. Malone live; what is his post-office?

Answer. Cherokee, Colbert County.

Question. Is Mr. Duce Lindsay's post-office there, too?

Answer. Yes, sir.

Question. And James Holseapple's?

Answer. Yes, sir.

Question. Were any of those three men on trial sworn before the commissioner the other day?

Answer. Any of them sworn? no, sir.

Question. Did Captain Day have the testimony all written down?

Answer. Yes, sir; I suppose he did.

By the CHAIRMAN:

Question. Henderson, you may give the names of those witnesses who testified that you were a bad negro and unworthy of credit, whom you never knew before.

Answer. I don't know the names myself. If you will call the names of those at Iuka ——

By Mr. BECK:

Question. Malone, Matthews, Robert Lindsay, Neill Gannon——

Answer. That's one I didn't know.

Question. Mr. Rutherford?

Answer. That's another I didn't know.

Question. Aleck Malone?

Answer. That's another I didn't know.

Question. James Carter, colored, William Matthews——

Answer. That's another I didn't know; I had seen him a few times, but never worked with him or had any business with him until since the trial.

By the CHAIRMAN:

Question. Three of these men you had never seen before?

Answer. Yes, sir; four.

Question. Matthews you had seen before?

Answer. Yes, sir; I had seen him; but if I ever saw the others before I never knew it.

Question. You say these three men arrested and on trial, Holseapple, Malone, and Duce Lindsay, were all acquitted upon proving an alibi?

Answer. Yes, sir.

Question. Where did they prove that they were that night?

Answer. Mr. William Malone proved by his father and a colored man on the place that he was with him. The colored man swore that he was with him that night and next morning all day at home. His father proved that his child was sick, and he heard him all night walking his room and talking all night. Holseapple proved, by Robert Lindsay, that he was at his mill, watching for somebody to steal his corn, and that he hired this horse that I knew myself. Those two proved that they were in the mill all night; nobody knew them and they could swear; that was Holseapple and Robert Lindsay; one of them rode that horse I swore to. Mr. Duce Lindsay proved, by those two men that I never saw nor knew anything about, that he staid in his room all night—in his store.

Question. Are you certain that you saw Holseapple, Malone, and Duce Lindsay that night that you were Ku-Kluxed?

Answer. Yes, sir; I am pretty certain of it; and my boy, twelve years old, going on thirteen, knew Mr. Holseapple by the time the light was made, but I didn't know, because I didn't aim to look for him. The boy aimed to run out of doors; Mr. Holseapple hadn't his disguise on; he had his veil up, and he caught him and shoved him back,

and he says, "Mr. Holseapple, you let me alone," and Mr. Holseapple wouldn't let him go out; he knew him well enough.

Question. What was your share of the corn and cotton crop raised on Mr. Malone's place worth?

Answer. I don't know what it was worth.

Question. You say you were entitled to one-half of three bales of cotton?

Answer. Yes, sir.

Question. And eight loads of corn, of forty bushels each?

Answer. Yes, sir.

Question. And four small wagon-loads?

Answer. Yes, sir; thirteen or fifteen bushels were counted, but I will say thirteen.

By Mr. BUCKLEY:

Question. Did you have any fodder?

Answer. Yes, sir; but he divided the fodder with me when it was pulled and stacked.

By the CHAIRMAN:

Question. What was that 372 bushels of corn worth?

Answer. He offered me sixty cents a bushel, and said that was what corn was selling at; he offered me that in the settlement.

Question. That made your corn, if it was worth 60 cents a bushel, amount to $223 20?

Answer. Besides that, I can bring four or five witnesses to prove that his fattening hogs eat up about three acres of my best bottom corn, and he never paid me a cent.

Question. What was cotton worth per pound?

Answer. Sixteen and three-quarters, he said; two bales were sold, and the last bale, which was a yellow bale, sold for twelve and a half.

Question. How many pounds did those bales contain?

Answer. Five hundred and upward; both the two white bales weighed over five hundred—one twenty-odd and the other thirty-odd—and the other didn't weigh five hundred quite.

Question. Now, how much were you justly indebted to Malone?

Answer. I can just tell you exactly what I got from Mr. Malone; I got one middling of meat that weighed thirty-one pounds; I got two shoulders that weighed thirteen pounds apiece; I got another shoulder that weighed thirteen pounds; I got seventy-three pounds of bacon from him; I got fifty pounds of beef from him; I got twenty pounds of beef from him, and this suit of clothes.

Question. Was that all the meat you got from him?

Answer. Yes, sir, except six pounds of bacon just before I left home.

Question. What was this bacon worth per pound?

Answer. Some of it 16 cents; the first three pieces I got were pork; I got that at 16 cents; the other was 22 cents.

By Mr. BUCKLEY:

Question. Do you mean pickled pork or unsmoked bulk meat?

Answer. It was unsmoked; that is, the first middling and two shoulders were.

By the CHAIRMAN:

Question. That was worth how much a pound?

Answer. Unsmoked meat was worth 16 cents, and the bacon 22 cents.

Question. What was the beef worth?

Answer. Eight cents.

Question. Did you get any breadstuffs?

Answer. I gave him corn for meal.

Question. So that he had no account against you for breadstuffs?

Answer. No, sir.

Question. Had he any other account against you except for those clothes?

Answer. The old clothes and one pair of shoes; but he brought twice as much meat as that against me, and he swears that this woman of mine got it, and she swears she didn't get it.

By Mr. BUCKLEY:

Question. Out of this meat that you foot up, how many did you feed?

Answer. This woman and three little children; but mind, I got three gallons of milk, myself, every day; I got more meat than this, and I got from old Mrs. Malone eight milch cows, and my wife milked them, and she was entitled to what milk she could use, and in that way I lived light.

By the CHAIRMAN:

Question. Is that coat you have on the one you got from Malone?

Answer. No, sir; that was a square-tailed coat, and it was not nigh as good a coat as this has been.

Question. What were those clothes worth?
Answer. He charged me $40.
Question. What were they worth?
Answer. They were worth about eighteen or twenty dollars when I got them from him.
Question. You say he had worn them two years?
Answer. Yes, sir; just to say what they really were worth, they were worth eighteen to twenty dollars; they had been fine, very fine clothes, but the good of them was worn out.
Question. You got a pair of shoes also?
Answer. Yes, sir.
Question. Does that embrace all that you got from him?
Answer. Yes, sir.
Question. Do you know how much those items all footed up?
Answer. No, sir; I never knew how they did foot up.
Question. How much did you claim that he was indebted to you on a fair settlement?
Answer. I couldn't make a claim, because I couldn't count it and figure it up. I tried to get Squire Bell to figure it up as I would count it, and he would never do anything except to put it all together, and he bothered me, and I never got it straight.
Question. How much did he bring you in debt?
Answer. I think it was $2 37½.
Question. Did Malone swear to his account?
Answer. We had had three settlements, and every time he would add on a little more and a little more, until he got the whole crop; the last time he just took every bit of my crop and it made us even at the last settlement, and then when Squire Bell got it, he made it a little more; he made it $2 37½ more.

By Mr. BECK:

Question. Mr. Minnis, the district attorney of the United States, was here attending to your case?
Answer. Yes, sir.
Question. Before Captain Day he examined your witnesses and attended to your case?
Answer. Yes, sir.
Question. Is he not a good lawyer?
Answer. I don't know anything about him.
Question. You made the complaint to him, and he had the men arrested and brought here?
Answer. I made the complaint to Mr. Day.
Question. Judge Minnis appeared here for you?
Answer. Yes, sir, he appeared here.

HUNTSVILLE, ALABAMA, *October* 7, 1871.

LIONEL W. DAY sworn and examined.

The CHAIRMAN: As Mr. Beck had this witness summoned, he will please examine him.

By Mr. BECK:

Question. Give us, as briefly at you can, your present position and your past; tell us where you came from, and how long you have lived here; where you were during the war, and what position you occupy now.
Answer. I was in the Federal Army during the war from the State of Illinois; served in the Federal Army until nearly the close of the war, and, after its close, I came South with a view of remaining here. After my arrival here, I was appointed clerk of the United States district court for this district—the northern district of Alabama—which position I still occupy.
Question. Appointed by whom?
Answer. By Judge Busteed.
Question. Were you appointed a commissioner of the United States also?
Answer. Yes, sir; the clerk is ex-officio commissioner.
Question. As commissioner of the United States district court for this district, had you a case presented charging disguised men with the maltreatment of a colored man named Henderson, in Colbert County, within the last few months?
Answer. Affidavit was made by William Henderson, a colored man, before me in August, I think—it was in July or August; I have not my docket of dates before me—charging Holseapple, Lindsay, and Malone, three young men of Lawrence County, I think——

By the CHAIRMAN:

Question. Colbert, was it not?

Answer. It may have been Colbert; they lie close together. It was near Barton Station or Cherokee—with having taken him from his house in August, and, as he recited in his affidavit, after having tied him and having made various professions as to what they desired to do with him, they finally took him to the Tennessee River, and put him in a skiff, for the alleged purpose of taking him across, but having reached the middle of the river, he alleges that they threw him out in that bound condition into the middle of the river, and afterward returned to the bank. He testified that between the point at which he was seized and the river he was tied with a rope, with his hands behind him, and the end of the rope then made fast to his legs, and that that was his condition when he was thrown into the river. He claimed to have then sunk to the bottom, and having released one of his hands, he came up; went down again and got hold of a rock in the bottom of the river, and, in his struggle, released both of his hands; finally got into shoal water and waded ashore, where, after recovering from his partially drowned condition, he returned to Mr. Goodloe's place. He stated that the parties were in disguise, but that after they got into the boat—which was when it was very nearly daylight in the morning of the 16th of August—he saw the face of one, and perhaps the faces of two; I am not clear as to that now. He swore positively to one. He said that there was no moon; that the only light he had to identify by sight was by star-light; but his testimony was direct and positive as to the identity of the persons.

Question. Are you giving now the abstract of his evidence before you as you recollect it?

Answer. Yes, sir; and I think that those facts are substantially embraced in the affidavit. I can file a copy very easily if the committee desire it.

By Mr. BECK:

Question. These men you arrested on that affidavit?

Answer. Yes, sir.

Question. And they were brought before you as United States commissioner for a hearing?

Answer. Yes, sir, for preliminary examination.

Question. Have you the evidence taken in that trial; and if so, will you file it with this committee?

Answer. I have the evidence and will file it. This is the original, [presenting a document,] and I identify it with the initials of my name, and make it a part of my deposition. [The document referred to and containing the testimony given in the case of the People *vs.* Holseapple, Malone, and Lindsay, will be found at the end of the testimony of this witness.]

Question. Assuming that evidence to have been given there, state what was the result of that investigation.

Answer. The parties charged were acquitted upon a direct and substantial proof of an *alibi*.

Question. Had the character of the prosecutor, as proven, a good deal to do with it also?

Answer. The character of the prosecutor was proven to be a very bad one by all the witnesses who testified in that particular, both white and colored. The prosecution offered no evidence, after the character of the prosecuting witness had been assailed, to relieve his character, but left the testimony of the defense wholly unimpeached and unassailed.

Question. Was any time asked to obtain further testimony in regard to the character of the prosecutor?

Answer. None whatever. No application was made. No reference, in fact, was made to it by the prosecution.

Question. The evidence you have just furnished will give us the full history of the case as it appeared before you, will it?

Answer. I am not certain but an attempt may have been made by cross-examination; but I am not certain that it was. I think my best impression is that it was. I think that it did not go further than a mere cross-examination of the parties who were impeaching the veracity of the prosecuting witness. The evidence, though, that I file here as a part of my deposition, embraces the whole statement, and gives the history as fully as I could by any statement I could make.

Question. And no further statement by you would elucidate it further?

Answer. None whatever.

Question. As you are here, I will ask you to tell us as briefly as you can, but fully, from your position as United States commissioner, and the opportunities you have of ascertaining the feeling of the people in this section of Alabama, what is their general disposition as to the maintenance of law and order and obeying the laws.

Answer. I think it is very good. I think this is like all communities, and I have been

n many in the United States. I think the same general characteristics prevail here that exist in other communities that I have known. I know of no general difference. There have been difficulties arising out of horse-thieving, personal violence offered to parties without reference to their political status, as I am informed and believe, and in some cases homicides have resulted from the efforts of the citizens, acting in behalf of order, to prevent that lawlessness. For instance, in Limestone, my information, which is popular information, and from conversation with the citizens of that place and the prosecuting officers of the county, is that they have had several homicides there; but I think the large majority have resulted from acts of a posse of citizens in their attempts to disperse a band of men whose organization was based upon a desire for thieving and plunder; and these thieves and plunderers occupy the same relation to the community that that class of men do in any community that I have ever been in. I know of no difference. They were bad men doing bad things, and the good citizens of the country have been active and vigilant, and they have succeeded, or I have no doubt will succeed, in restoring perfect order in Limestone County. That is my belief.

Question. In this county how is it?

Answer. This county is exceedingly quiet; there is no disturbance here of any kind that I know of, more than the little affrays resulting from the collisions of men, ordinarily occurring.

Question. Will you tell the committee whether in your opinion the great mass of the people of Northern Alabama are law-abiding and disposed to observe the laws?

Answer. I believe they are. From my position and antecedents, I can have no predilections in favor of this or any other southern community, any other than a kind and friendly intercourse with the good men of the country has given me, and I believe the population of North Alabama, with a very few exceptions that I have specified, are as much disposed to obey the law as any community that have been in the vicinage of war and destruction, such as have been seen in the South, and I think, perhaps, more so than many communities of the country; much more so, because North Alabama has been the scene of a great deal of war and bloodshed, and was the home of several partisan companies, and large numbers of these men are now among the best conservators of law in the country to my personal knowledge.

Question. What do you mean by partisan companies?

Answer. I mean those companies, independent organizations during the late war; North Alabama, as you are aware, was occupied by the contending armies alternately several times, and the tendency was to leave men behind, the result of which was the organization of partisan companies. That is my understanding of the history of affairs in this county. Many of these men are here yet, and many of them I know, and they are like all the quiet law-abiding citizens that you find in any community in the land. I know of no difference; they have the same interests at stake that men have everywhere for the support of law and order. They exercise the same vigilance that men do everywhere, and protect their own interests.

Question. Was there not a good deal of difference in political opinion when the war broke out in Northern Alabama, some for the side of the Union, and others the side of the confederacy?

Answer. The information I have on that subject is from persons who were residents here, and from the general traditions of the land in that particular, as I was not here. My understanding is that there was in Madison County, I think, about five or six to one, opposed to the secession movement.

Question. Madison is the county in which Huntsville is situated?

Answer. Yes, sir, and in all the mountain counties of which this district is composed, territorially, at least, there was a most decisive and aggressive Union sentiment, and there was a strong disposition, which never found its way into organization, but was a very strong feeling, to organize all North Alabama above the line of the mountains, and fight it out at the foot of the mountains of North Alabama.

Question. That mountain range being south of North Alabama?

Answer. Yes, sir; that sentiment prevailed in North Alabama at that time. There were large numbers of Union men there at that time, and every man acquainted with the political history of Alabama is well aware of the fact that the prevailing sentiment of North Alabama was violently Union.

Question. What do you know about these Federal soldiers, residing in the counties of Walker, Winston, and Fayette, in Northwestern Alabama?

Answer. Those counties lie in the northwestern quarter of the State. I was appointed adjutant of a regiment called the First Alabama Cavalry, and the bulk of the soldiers composing that regiment were drawn from the counties of Walker, Winston, and Fayette, in North Alabama—the mountain counties. There were soldiers from the other portions of the South; some from Tennessee, and some from Georgia, and some from Mississippi; but the large majority of them came from these counties down there, and were enlisted directly from their homes. They were opposed to the war in the start. I think the number enlisted in the command, first and last, was twenty-seven hundred.

Question. In these three counties?

Answer. Yes; that was the general territory from which the regiment drew its force. I think the number was twenty-seven hundred, but I am not positive; that is my recollection of it now.

Question. Were they mostly young men?

Answer. Yes, sir; the large majority were men ranging from eighteen to thirty-five years.

Question. What was generally their condition as to property; were they poor or rich men or otherwise?

Answer. I think the majority of the men were poor. They lived in a mountain country. The country there is very poor, and the bulk of them were poor men.

Question. Tell us how your courts administer the law, so far as you have observed, when persons who are fairly proven guilty are brought before them. Is there any trouble in procuring a conviction for any offense, where the case is fairly made out against the party arraigned, in this region of Alabama?

Answer. No, sir; I think not. There is this: I think, perhaps, there may be an indisposition to convict men in some cases in which homicides result from personal encounters, where the mere color of aggression can be given to the assailant, or the man who loses his life; but that, I think, is common to many communities in the South and West.

Question. Was it not always so?

Answer. Yes, sir; I think it was. I have seen it manifested in the Northwest, and I think it exists in the South. A killing frequently finds palliation in the minds of a jury from some colorable offense, perhaps not dangerous, which is offered to the party charged.

Question. I call your attention particularly to that class of cases where men have been violently, secretly, and wantonly injuring persons in their lives, their liberty, and their property; doing it either under the guise of night, or in any other clandestine way. Would men of that sort, when brought before your courts, be punished?

Answer. I do not think there is any doubt but what they would. I think at present the great danger would be that they would be treated with perhaps more severity than they might merit in many cases.

Question. Is the general sentiment of most of your people here opposed to all that class of conduct—Ku-Klux organizations and redress of that character?

Answer. I think so; most decidedly opposed to it, and opposed to all secret organizations which have a tendency to disturb the order of the community or the security of property and the protection of labor. I think all organizations that disturb these interests are most decidedly frowned upon.

Question. Is the condemnation of all that class of offenses shared in alike by men of all political parties?

Answer. I think it is; I think it is shared by all men in the country who have those interests at stake—all the good citizens who have the interests of labor and property and personal protection at stake and who do not rely upon their reckless character to protect them.

Question. Have you in this general region of country many men who have, since the war, come from the northern and western States, and settled here?

Answer. Yes, sir; we have a large number of them.

Question. How are they generally treated by their neighbors, and how do they feel in reference to their safety and security here?

Answer. I think they are well treated; I do not remember of a case of violence offered to a northern man in this community. If one has occurred within my knowledge, it has escaped me, and there are a number of them here.

Question. Are you personally acquainted with them?

Answer. Yes, sir; I know the majority of northern men here. I do not think there is a sense of insecurity felt by these men on grounds of nativity or politics or anything of the sort.

Question. Have you heard these men speak of this subject at all yourself in your general conversations?

Answer. Yes, sir; I have heard it remarked upon. I have heard men say, in regard to them, that they had no apprehension of personal danger on account of their being northern men; I do not think there is any general apprehension of that kind.

Question. Tell the committee whether or not it is safe in this general region of Alabama for a man who is a republican in politics to express his sentiments without personal danger to himself. Can a republican express his views of politics without running the risk of personal danger?

Answer. I do not think he is in any danger whatever.

Question. Do they do it?

Answer. Certainly. Street discussions are as common here as they would be in any place so far as I know. I do not remember of any disturbance of a public meeting

that was being addressed by republicans. The only demonstration of violence I have ever seen here was in a democratic mass-meeting.

Question. Was that among themselves, or how was it?

Answer. It was an affray that was occasioned by perhaps some address made to the speaker on the stand through misapprehension; that was the only disturbance I have ever known here.

Question. Political discussions are freely held by both parties?

Answer. Yes, sir, as much so as anywhere in the world. Public gatherings for political speaking and communication are as free in Northern Alabama, so far as my knowledge goes, and I have seen considerable of it here in town, as in any place I have ever been in in my life, and I have seen a great deal of it. I have attended many public gatherings.

Question. When these disguised men undertake their marauding expeditions at night, is it your information that they have political or personal purposes, so far as they have been brought before you?

Answer. I think it is personal, undoubtedly, sir; undoubtedly personal.

Question. And not political?

Answer. No, sir, I think not. I think there are very few men who regard it as political now. In nearly every case in which violence has been offered by disguised men, their motive may be explained upon the grounds of personal animosity; in nearly every case that has come under my observation, or within my hearing, that has been the fact.

Question. We have had a witness before us in Washington, and perhaps you may know him, as he figured largely in this region of country—a Methodist minister by the name of A. L. Lakin——

Answer. A. S. Lakin.

Question. ——Who spoke of a great deal of very bad treatment to himself during the four years that he resided here. Do you know him?

Answer. Yes, sir. I know him well.

Question. Have you had any conversation with him that would indicate the extent of maltreatment that he had received? and, if so, tell us when and what they were.

Answer. There is but once in my life that I recollect of having a conversation of that character with Mr. Lakin, and it arose under peculiar circumstances that amused me, and caused me to remember it, I suppose.

Question. Give us the date of that conversation, if you can.

Answer. I should think it was, perhaps, twelve months ago. I was on the street here, and some one told me that Mr. Lakin had been killed; that he had been shot in the mountains. I expressed surprise at that, and started down the street, after a conversation with a friend. I left him, and had not gone twenty steps until I came across Mr. Lakin, walking on the street. I shook hands with him, and expressed my surprise at meeting him, and repeated to him what I had just heard. He seemed to be amused at the report, and said to me, "My dear sir, I have never been treated with more uniform kindness, courtesy, and hospitality than I have on my last trip through the mountains;" and he then repeated the fact that a community, I think in Jones's Cove—some community there that he alleged had been hostile to him before that—had treated him with personal consideration on his last trip. The reason why I remember this casual conversation was the peculiar circumstances under which it occurred, and the contrast that his statement presented in regard to himself and the fact I had just heard of him.

Question. Did he speak to you in any way of the general treatment of this community toward him?

Answer. Not of this community in this county. He referred to his general treatment in his circuit. I think his circuit embraces quite an area of country of North Alabama lying east of here—Marshall, Cherokee, and De Kalb Counties. I think that is the fact. I understood him to have returned from a trip through these counties. I know very little of him.

Question. Apart from your own knowledge, what was the general estimate of him through this community, so far as you heard others speak of him?

Answer. The general reputation of Mr. Lakin here was, that he was equally as zealous in his efforts at political conversion as he was in his efforts as a minister of the gospel, and the popular understanding, whether true or not, was that Mr. Lakin organized political clubs or leagues, or whatever they may have been called, on his circuit, and that he made it a part of his duty and business to do that. That was the popular understanding as I have heard it; whether true or not, I do not know. In this town I have never heard him make a political speech, but I have understood from men, in whose integrity I have faith, that he was in the habit of making political speeches, and devoting considerable attention to it, and taking deep interest in it. I believe that to be true.

Question. With regard to the general character of his statements, how was he re-

garded, as a man extravagant in his general form of statement, or as strictly confining himself to the truth?

Answer. There are large numbers of men here who do not believe that Mr. Lakin always told the truth.

Question. Speaking from what you have heard, what was his general character in that regard; was it good or bad, as regards that?

Answer. It is bad. The general character Mr. Lakin bears here, for confining himself absolutely to the truth in all that he says, is not good. Any facts upon which that opinion is based I am not aware of, but that is his general reputation.

By the CHAIRMAN:

Question. How long have you lived in Huntsville?

Answer. I have lived in Huntsville since about the 1st of February, 1866.

Question. Continuously?

Answer. Yes, sir; continuously, except on——

Question. Did you marry here?

Answer. No, sir; I am not a married man.

Question. What was your employment before you were appointed clerk of the district court in Huntsville?

Answer. I came here as clerk of the court.

Question. You have held this office ever since?

Answer. Yes, sir; ever since I have been here.

Question. Have you followed any other business than that?

Answer. No, sir. I was in partnership with Captain Fullerton in the practice of law, but the duties of my office confined me principally to the office. I had some practice, but not much.

Question. In the investigation which was had on the complaint of William Henderson, I will ask you whether Calvin Goodloe was examined as a witness?

Answer. Yes, sir.

Question. Was Goodloe the man with whom Henderson had been living, or upon whose farm he had been working, for some time previously?

Answer. It was in proof that he was.

Question. What was Goodloe's standing as a man of character and truth?

Answer. I think it was very good, sir; as good as that of any man in the country, so far as I know.

Question. I will ask you to state whether Goodloe, upon that examination before you, did not testify that Henderson had had no difficulty with any one, to his knowledge?

Answer. I think he did, sir. That is in the testimony. My recollection is, though, that he testified about that fact.

Question. Did he not further testify that he considered his character as good as any negro's?

Answer. I think he said he had the average character, but I have heard it alleged that Mr. Goodloe did not think they had souls, and that characters were not essentially connected with the negro's existence; that character was not necessarily connected with a negro's existence. He is reported to have said that.

Question. Do you know that he held such sentiments?

Answer. I have heard it alleged.

Question. Who alleged it?

Answer. Mr. Davis.

Question. What Davis?

Answer. Mr. Nicholas Davis. I think he alleged it in connection with that statement of Mr. Goodloe's. It may have been jocular.

Question. Was Mr. Davis a lawyer in the case?

Answer. No, sir.

Question. What part did he play in that trial?

Answer. I do not think he played any whatever.

Question. Did he make the remark loud enough for Mr. Goodloe to hear it?

Answer. I do not think he was present. I think Mr. Davis made the statement in connection, perhaps, with somebody else.

Question. For the purpose of influencing your judgment in this case?

Answer. No, sir. It was after the decision was rendered.

Question. I will ask whether Mr. Goodloe did not state in express terms that, from all he had heard spoken of this man Henderson, his general character was good?

Answer. He may have said it.

Question. Just look at the evidence which you have produced here, and say whether he did say so in so many terms, right at the conclusion of his testimony.

Answer. [Referring to the record of Goodloe's evidence, which will be found in the paper given at the end of the testimony of this witness.] I find on reference to the testimony, that he says: "His character is as good as the average negroes of the county. I can't say as to his general character."

Question. I will ask you to state whether the last two lines of his testimony do not read as follows: "From all I have heard speak of him, his general character is good."

Answer. He says: "From all I have heard speak of him, his general character is good." That is in answer to an interrogatory of Colonel Minnis, district attorney. It escaped my notice.

Question. That was upon cross-examination?

Answer. Yes, sir.

Question. Did not Mr. Goodloe, upon his examination in chief, state as follows: "I know of no difficulty that he (referring to Henderson) had with any one. In his disposition I consider him an ordinary man, and an obedient one. I consider his character as good as any negro's?"

Answer. He did.

Question. You say that was his testimony in chief?

Answer. That was his testimony as reported.

Question. How, then, did you state, as you have done in your examination by Mr. Beck, that all the evidence went to show that Henderson was a bad man, and unworthy of belief?

Answer. Every witness who was asked in regard to his integrity, and his character for integrity and veracity, by the defense, testified to that fact, and if Mr. Goodloe was inquired of in regard to his character for integrity, I do not recollect it. The testimony will show. My recollection, though, is that he was not.

Question. Do you deny that Mr. Goodloe testified as I have read to you?

Answer. O, no, sir.

Question. Has he not subscribed his statement that is here?

Answer. I think he has. I do not remember now that Mr. Goodloe was inquired of for his character for veracity. If he was, I do not now recollect it.

Question. When he stated that he considered his character as good as any negro's, did you not consider that that involved his character for veracity?

Answer. If a lawyer was inquired of in regard to the character of a man, as to his veracity, I suppose he would express himself so, and inasmuch as that proof does not involve the matter of veracity, I would not attempt to draw conclusions, for I do not know. He may have meant that, and may not. He might easily have been inquired of in regard to veracity.

Question. When Mr. Goodloe testified in direct terms that, from all he had heard speak of this man Henderson, his general character was good, did it not necessarily result that he considered his character for veracity good?

Answer. Well, sir, I would not attempt to say, for I do not know. He has said in another place that his character was as good as any negro, and what he may have meant by that, I cannot attempt to say. The testimony is as easily construed by one as by another. It was reported; it was heard by me as commissioner, and reported just as it is before the committee here.

Question. You say Mr. Goodloe is a first-class man?

Answer. Yes, sir.

Question. And this man Henderson had been working for him a good while?

Answer. Yes, sir; several months, I think.

Question. Mr. Goodloe had every opportunity of knowing what was the man's character?

Answer. He had the ordinary opportunities that a planter has of knowing the character of a negro on his place. What his experience with him was, I do not know.

Question. Did all the witnesses that testified against Henderson's character for truth and veracity profess to be well acquainted with his character?

Answer. I think so, but I am not positive. It strikes me that there was one party who testified to having had a very brief acquaintance with him, but I do not now recollect his name.

Question. Henderson testified before us that three or four of these witnesses he had never known before, who testified against his character. What do you know in relation to that?

Answer. I do not know anything about it. Some of the parties had lived quite a distance from Mr. Goodloe, but some of them testified, I think, that William had lived in their neighborhood, if I recollect aright.

Question. I will ask you whether the testimony of Mr. Goodloe did not very strongly corroborate Mr. Henderson as to the fact of his having been thrown into the river and having crawled out?

Answer. I think it did.

Question. Had you any doubt in your mind, after listening to the evidence, that Henderson had been maltreated in the manner in which he had himself described?

Answer. I had very little doubt that he had been the subject of some violence, but to what extent it was right difficult to tell. He appears to have returned in a battered and dilapidated condition in the morning, and gave evidence of having been through

some difficulty, and Mr. Mathews testifies that he charged him, from his condition, with having been drunk, and Mr. Goodloe testifies to numbers of marks on his hands.

Question. On his wrists?

Answer. Yes, sir, on his wrists. I think he refers also to having gone to the spot where Henderson came out of the river, and having seen the marks.

Question. Did he not testify of having seen the tracks of Henderson and of the horses?

Answer. Yes, sir, I think so.

Question. Did he not testify that he found the skiff and the signs that corroborated Henderson's statement?

Answer. Yes, sir, I think so, as far as they went, in relation to the fact of violence having been done.

Question. Then you had no doubt Henderson had been maltreated, but you doubted whether the evidence justified you in holding the men who were arrested?

Answer. Yes, sir, that was the fact. I had no doubt but he had been in difficulty of some sort, and I thought it was altogether probable that the general features of it—the occurrence—leaving out the parties charged, were essentially true as he stated.

Question. Did he, in the testimony before you, speak of the disguise these men had on?

Answer. Yes, sir.

Question. You had no doubt, then, Mr. Day, that this was a fair Ku-Klux case, had you?

Answer. Well, I think that disguised men offered this negro violence.

Question. Your answer is that you think that disguised men offered this man Henderson violence?

Answer. I think so, sir. I think it is a candid and fair conclusion to draw from the testimony.

Question. Were the disguises such as the Ku-Klux organization are understood to wear?

Answer. My understanding is that they were not.

Question. Wherein was the difference?

Answer. I will have to refer to the testimony, which, I believe, recites the fact that the only disguise they had was a mere veil hanging over the face; that he did not claim any disguise of the body. The testimony in that particular is, however, before you.

Question. Please refresh your recollection by looking at Henderson's testimony.

Answer. [Having examined the testimony.] Henderson testifies that he saw Mr. Duce Lindsay. He says, "I knew him by a veil in his hat, and it turned back over his head from over his face, and the veil came down from the face to the shoulders behind."

Question. Is that all he says in relation to the disguise?

Answer. I will examine further. He says: "They had on black and white trimmings around the tail, and the cape came down about half-way, and had white trimming around it. All were dressed the same way, and white trimming around the wrist."

Question. Did he give any further description of the disguise?

Answer. He says: "They had on black overcoats, and with the trimming around the tail, and a cape that came down about one-half of the way, and white trimmings around it, and all were dressed in the same way, (white,) and white trimmings around the wrist." He does not describe that as a disguise particularly, but he states that it was uniform and a dress.

By Mr. BUCKLEY:

Question. Does that correspond to the usual form of Ku-Klux disguises worn, in your opinion?

Answer. I never saw them but once, or perhaps twice, and they were all dressed in white at that time. I saw them on the streets.

Question. These disguises differed from the ones you saw in what particular? The others were all white?

Answer. These dresses as described here differ from any of the costumes I have ever seen.

Question. Do you understand that the costume worn is uniform always, or do they vary?

Answer. I do not know. I have never seen it but once, and perhaps twice, and they were in white then.

By the CHAIRMAN:

Question. Is there a general correspondence in his description of the uniform of these men with those worn by the Ku-Klux?

Answer. Not that I am aware of.

Question. Wherein is the difference?

Answer. The only persons I have ever seen who were recognized as Ku-Klux was a

body of men who passed across the square in Huntsville; perhaps I saw it twice; I am not positive.

By Mr. BUCKLEY:

Question. How long ago?

Answer. That was in the last of 1866 or first of 1867, I think. These persons were all dressed in white, loose robes, or what resembled a robe that covered and disguised them completely, and they had some disguise about the head that covered the face and eyes, with a peculiar hat or cap, of a description which I have now forgotten, but it concealed the whole upper part of the person, features and all. The rest were disguised in different ways, but with a covering that screened them from view.

By the CHAIRMAN:

Question. Does not the description given by Henderson of the men who maltreated him, show that their persons were disguised down to their knees, and that their faces were disguised?

Answer. He says their faces, if I remember aright, were disguised, but he describes the covering of the persons as an overcoat. How far that would be a disguise I cannot say, although he describes a peculiar trimming which makes it a uniform, if I recollect aright, a border to the cape or coat.

Question. I understand you to say, Mr. Day, that there is a general indisposition in the courts to convict persons of homicides?

Answer. I stated, giving at the same time the peculiarities of the indisposition, I think.

Question. I think you said that you saw no difference in the administration of criminal justice, where homicides were committed, between the South and the Northwest?

Answer. I stated, or intended to state this: that I thought there was a disposition on the part of juries to palliate offenses where a colorable aggressive act might be imputed to the party whose life was taken in the Northwest and in the South, and that, therefore, it was more difficult to punish homicides that were, under the law, murder. I believe that to be true. I believe the fault to be in the juries.

Question. Did I understand you to mean that the administration of criminal law in the South is as certain as it is in the Northwest?

Answer. Hardly as certain, I think.

Question. I understood you to say that there was no trouble in convicting men, banded together for the purpose of committing crime, in the courts of North Alabama.

Answer. I say that I do not think there would be any trouble. I do not know that I have known a case to be tried and the issue directly made.

Question. Do you refer now to the State courts?

Answer. Yes, sir, and the Federal, too, as to their disposition to punish these offenses.

Question. Have you ever, within your experience, known of the conviction of any man who was charged with being a member of the Ku-Klux organization, and with having committed a specific crime?

Answer. No, sir, I do not think that, since the laws passed making that an offense, charges of that character have been made against them as Ku-Klux.

By Mr. BUCKLEY:

Question. Do you mean the State laws or United States laws?

Answer. The State laws. I do not now remember a case. I do not think one has come within my knowledge, though it might have occurred.

By the CHAIRMAN:

Question. You have been pretty well acquainted with the condition of things in this portion of Alabama as to peace, quiet, and order since 1868?

Answer. Yes, sir. I have had the ordinary means of observation that all citizens have.

Question. I will ask you to state whether you believe that, as far back as December, 1868, there existed a "secret organization, in many portions of this State, of men who, under the cover of masks and other grotesque disguises, armed with knives, revolvers, and other deadly weapons, issued from the place of their rendezvous, in bands of greater or less number, on foot or mounted on horses, in like manner disguised, in the late hours of the night, and committed violence and outrage upon peaceable and law-abiding citizens, robbing and murdering them upon the highway, and entering their houses, tearing them from their homes and the embrace of their families, and with violence, threats, and insults, inflicting on them the most cruel and inhuman treatment." Do you believe that that state of things existed in Northern Alabama in December, 1868?

Answer. No, sir; I do not. The grounds of my disbelief it may be proper to state. I know a number of men whom I believe to have been members of that organization, or whom I believe to have been cognizant of the general facts connected with the organization, and from my general conversation with them, as men whom I was meeting daily,

I have been led to believe that the organization did not exist as late as December, 1868. I do not know that to be true, but that is my belief. It is very probable that the opinion is not entitled to great weight in that particular, but my opinion is that, as an organization, it did not exist as late as that. I may not be correct, however.

Question. You do believe it existed prior to that time in Northern Alabama?

Answer. I think there was an organization existing during the year 1867, and, perhaps, embodying a portion of the years before and after that.

Question. Do you think that organization existed about the time of the presidential election in 1868?

Answer. When was that election?

Question. That election was in November, 1868.

Answer. Yes, sir.

Question. Did you see a sample of that organization in the streets of Huntsville at that time?

Answer. I saw a portion of that organization—I think it was in the summer some time. I cannot fix the date, for that escaped my mind, but I saw a body of men I believe to be a portion of that organization.

Question. Where?

Answer. Passing the streets of Huntsville.

Question. What errand were they bound on?

Answer. I do not know. They came into town and rode out again.

Question. Were they armed?

Answer. Yes, sir; with pistols and shot-guns.

Question. Did you see them the night of the raid committed by them about that time?

Answer. No, sir; not that I know of.

Question. Did you see a body of Ku-Klux here about the time of the presidential election, or when a political meeting was held in this court-house, when Senator Spencer, Judge Thurlow, and others were expected to speak here?

Answer. I saw a body of disguised men ride into town that night and turn about and ride out again.

Question. The night that Judge Thurlow was shot?

Answer. Yes, sir.

Question. Were they disguised?

Answer. Yes, sir.

Question. Were their horses disguised?

Answer. I think they were.

Question. Were they armed?

Answer. I think they were. I know that some of them were; I saw the pistols in their hands.

Question. Do you believe they belonged to the Ku-Klux organization?

Answer. It was my opinion at the time, and I have seen no reason to change it.

Question. That was a very short time before the passage of this act of December 26, 1868?

Answer. It was some months before. The exact date I cannot fix. In fact, I have no means of ascertaining the date.

Question. I will ask you now to look at the law of Alabama, approved December 26, 1868, entitled "An act for the suppression of secret organizations of men disguising themselves for the purpose of committing crimes and outrages," and to read the preamble of the act, preliminary to a question which I want to ask you.

Answer. [Examining the act submitted.] I have read it.

Question. Having read it, I now repeat the question whether you believe that, at the time the act was passed containing this preamble, the facts recited in the preamble were true?

Answer. My belief is that there was no organization called the Ku-Klux Klan at that time. It is a mere belief from impressions I got.

Question. At what time do you say this Ku-Klux organization dissolved itself or was dissolved?

Answer. I cannot assign dates to it, but I think it was dissolved in the summer of 1868.

Question. But I understand you to admit that, in the summer of 1868, you saw a band of Ku-Klux come into the town?

Answer. Yes, sir; that is my recollection.

Question. I understand you to say, further, that in November, some time about the time of the Presidential election, you saw another band of Ku-Klux?

Answer. I do not know that it was about the time of the presidential election. It was about the time of a political meeting.

Question. Was it at the same time of the riot?

Answer. It was at the time Judge Thurlow was killed.

Question. Do you call the transactions of that evening a simple homicide or a riot? I would like to get your idea of it.

Answer. I think that the conduct of the parties was riotous.

By Mr. BUCKLEY:

Question. Did not that riot, as you term it, at which Judge Thurlow was shot, occur on the Saturday night preceding the Presidential election of 1868?

Answer. I cannot tell really the dates—a matter that escaped my mind. I do not remember what the date was. If it did occur at that time, of course my testimony refers to that date.

By the CHAIRMAN:

Question. Now, having in view this riot or riotous proceeding, as you have denominated it, the entrance of this band of Ku-Klux into the town at the time Judge Thurlow was killed, I repeat the question, whether you think the Ku-Klux organization had an existence in this county at that time.

Answer. I do not think it had as a general organization. Whether the subdivisions of the organization, or whatever it may have been styled, maintained their local form or not I do not know. What I have stated are my opinions only.

Question. You may give the grounds of your opinion.

Answer. It was from general rumor, general understanding. Nothing more.

Question. Perhaps you got your understanding from the Ku-Klux themselves?

Answer. I do not know that I did.

Question. Do you know that you did not?

Answer. No, sir.

Question. Did you know who the members of the Ku-Klux organization were?

Answer. No, sir; I did not.

Question. You were then liable to be imposed upon as to that fact?

Answer. Yes, sir; I presume I was. I might be the subject of imposition in various forms, undoubtedly, if men sought to effect a purpose of that kind.

Question. Are you acquainted with any person whom you know to have belonged to the Ku-Klux organization?

Answer. No, sir; not whom I knew to be a member of the Ku-Klux.

Question. They practiced disguise in their sentiments and conversation as much as in their costumes, did they not?

Answer. I presume they did, sir. I have never, in a conversation with any one, heard him say that he was a Ku-Klux, and I could only form my opinion as to who were by the general character and standing of the men, and from the general character at the time of this organization. I supposed that it embraced a large portion of the young men of the country. That was my opinion and understanding.

Question. If this organization, known as the Ku-Klux, ceased to exist, it must have been at a particular time; when was that time?

Answer I really, sir, am unable to fix it. I have stated to you my general belief in regard to the matter. In that I may be erroneous. I think that the belief I have stated was generally shared in the community. That was my understanding. It was the general belief in the community at the time this Ku-Klux company rode into town in November, when Judge Thurlow was killed. I do not remember about the especial time, but my recollection is that there was a general belief that the organization was disbanded in the early fall of 1868.

Question. Why disbanded at that time?

Answer. I really am unable to give the reasons of the organization or disorganization.

Question. Disbanded before the election?

Answer. I think so, sir. That is my recollection.

Question. Did your informants give you no reason why it was thus disbanded?

Answer. I do not remember that I had any especial informant. My information was framed from the general tenor of conversation I heard at the time in regard to these matters

Question. Did you not hear that there were great disturbances, riots, and violence at various voting places in the fall of 1868, in this and in other States?

Answer. My general recollection is that there were. I could not attempt to fix them.

Question. You remember the riot at New Orleans, I suppose?

Answer. Yes, sir; I have forgotten the date.

Question. Likewise serious riots in Mississippi?

Answer. I think there were. Perhaps it was in Jackson. I have a general recollection of it. I remember the general fact, acquiring my information, I suppose, from reading the newspapers of the country that there was a great deal of disturbance of a riotous character at the time.

Question. Still, you think these disturbances had no connection with the Ku-Klux organizations?

Answer. I have no reason for thinking they had. I do not believe they had.

Question. You think the organization had been disbanded before?

Answer. I think so, sir.

Question. You think it did not exist as an instrument to influence results in the election of that year?

Answer. I do not believe there was an organization in the fall, at the time the presidential election occurred; but I do not know, sir.

Question. You do not believe there were any combinations existing at that time for the purpose of preventing Union men from voting?

Answer. Well, I cannot say as to that time; I do not know anything about it. I do not know in regard to that, sir; and if there were organizations of that sort, I know nothing of them. I have no means of information on that subject.

Question. Did you read the republican newspapers about that period?

Answer. Yes, sir.

Question. Were they not full of charges of the existence of such organizations?

Answer. I think there were many charges of that sort, and are yet.

Question. Were they generally denied by the democratic papers?

Answer. I think they were, generally.

Question. You believed the democratic papers rather than the republican?

Answer. In the first place, I should prefer to have a man or a party proven guilty of so grave a thing before I would accept the mere assertion of guilt, and whatever opinion I entertained would be one that would be framed as I would frame any opinon in reference to a general fact that might exist in the country; and I should not be apt to accept the truth of an allegation of that sort until I had some evidence to show it to be true.

Question. Do I understand you to say you discredit the newspaper statements purporting to give accounts of riots here and there? You do not believe them until you have verified them by some satisfactory evidence?

Answer. I do not say that. What you understood, I do not know. That is not my assertion at all.

Question. I do not know that I understood your answer. I want to know whether you discredited the statements of the republican press in the fall of 1868, charging the existence of combinations of men to intimidate and overawe the Union men in the Southern States and prevent them from voting.

Answer. I cannot say that I attach either credit or discredit to that. Those charges, or charges of a like character, are frequently here made through the southern country to-day, and I do not believe that they exist, and I might perhaps have regarded these allegations as being more probable at that time in consequence, perhaps, of local organizations or cliques that were more violent in their purposes than years afterward when communities have receded further from the violent times of the war. But the charges are made to-day as they were then, and where some of them may be true to-day—I do not pretend to say—I do not believe the general fact as charged to-day, and I, perhaps, would attach as much credit in the one case as in the other.

Question. When you read the account of the great riot in New York, in 1863, did you credit that?

Answer. I think that was generally conceded by all parties.

Question. But you did not verify it by your own observation?

Answer. I did not.

Question. You relied wholly on the newspaper account?

Answer. I did.

Question. If you were to read in a newspaper to-day of a riot in Illinois, you would credit the statement, would you not?

Answer. I probably would.

Question. Do I still understand you to say that you discredit the statements of which the newspapers were full, in 1868, of riots at various points in the Southern States, antecedent to or about the time of the election?

Answer. All that I say in that particular is this: that the allegations of a violent and I believe unscrupulous partisan press as exists in the country to-day, I am not inclined to give credit to without some further evidence of the guilt and felony that they profess to charge upon their opponents. That is all I desire to say.

Question. When you refer to the unscrupulousness of the press, do you refer to the republican press?

Answer. I refer to whatever press is unscrupulous, but I think there is very much in both, probably. But I make the statement general in reference to allegations—in reference to the credit I would give to charges in the newspapers against men, of violence or of felony.

Question. Then you think the men who enacted this law in December, 1868, were misinformed and wholly mistaken in relation to the condition of things here in Alabama?

Answer. I have stated my belief that there was no general organization, no organization of what was popularly known as the Ku-Klux Klan at that time. Whatever of a local character there may have been, I do not know, because I think violence in disguise has been committed since.

Question. Perhaps this organization I have been speaking of as the Ku-Klux organization has changed its name, or gone by some other name since that time. What is the fact?

Answer. I have heard no change of name imputed to it.

Question. Have you ever heard of this secret organization being denominated by any other name than Ku-Klux?

Answer. I have not, sir.

Question. Have you ever heard of the Invisible Circle in this State?

Answer. No, sir.

Question. Of the Knights of the White Camelia?

Answer. I do not remember of ever having heard the words before.

Question. Of the Constitutional Union Guards?

Answer. I do not remember it.

Question. You never heard of an organization of that name?

Answer. No, sir.

Question. Did you ever hear of an organization known as the White Brotherhood?

Answer. Not that I remember of, sir.

Question. About what was the number of disguised men that rode into town at the time Judge Thurlow was killed?

Answer. Well, sir; I should think there were from one hundred to one hundred and fifty. It is quite difficult to judge of a body of mounted men.

Question. Were their horses disguised?

Answer. I think they were.

Question. Were the costumes or uniform of the men similar?

Answer. I think they were. They were all white.

Question. Did they seem to have a leader?

Answer. I saw no evidences of a leader. I heard some one afterward alleging the fact that he heard an order given.

Question. Did they seem to obey one leader?

Answer. They were merely marching across the street when I saw them. One man was riding in front. There was no occasion for the issuing of orders. Whether any one had authority to issue them or not, I cannot say. I presume that there was.

Question. What do you think of this body of men; were they part of a secret organization?

Answer. That was my opinion, that they were a secret body of men organized together.

Question. For what purpose did you believe they were banded together?

Answer. I had very little idea at that time, and I think there was very little known of their purpose; but I think the general understanding, the popular understanding of their purpose, was that it was to prevent disorder and violence.

Question. Did you understand that their purpose was to supersede the ordinary function of the courts to prevent disorder and violence?

Answer. My understanding was, that men might commit such offenses as would result in punishment by that organization, especially if these offenses were not taken cognizance of by the courts.

Question. But you have represented the condition of things here in the courts as altogether lovely, and that there was no difficulty at all in obtaining redress in the courts of justice. Why, then, was there necessity for an organization outside of the courts to administer justice?

Answer. I do not know that I have spoken of the courts of 1867 and 1868 at all.

Question. I am speaking now of the fall of 1868, when Judge Thurlow was murdered, and when this band, whether Ku-Klux or by whatever name they should be styled, appeared in the streets of this city. Were your courts in organization and in full operation at that time?

Answer. Yes, sir; I think they were.

Question. Was there any trouble in redressing grievances in these courts?

Answer. How it was outside of this immediate section of the country I do not know, but our courts in this county were not doing much at that time; very little.

Question. Was justice administered by these bands of disguised men generally at the time?

Answer. I do not think it was. I do not remember of any particular case. There were killings. I do not remember any in this immediate country here, but general reports in these particulars; so far as their efforts went to supersede courts of justice, I do not remember any special attempt of the kind. I speak of the general impression in the country in regard to this organization, and I do not know that I can substantiate that impression by any instance. I am giving you the general impression of the country as fairly as I can remember it.

Question. I understand you to express the opinion that this organization, whatever it was, was organized for the purpose of administering justice in that class of cases of which the court did not take cognizance. Am I right in that?

Answer. I meant to say it was understood that offenses might arise in which, if the courts of justice failed through indisposition or inability to reach them, it might result in the punishment of these men by this organization. That was the general opinion.

Question. Will you tell me what offenses existed in the community that the powers of the courts were ineffectual to reach or correct?

Answer. As an illustration of what I mean, I would say that a killing might occur in which in the popular mind there might be a positive belief of the guilt of the party, but owing to the difficulty of making proof, parties could not be punished for it. I believe that these parties might be punished by this organization under that state of facts.

Question. It is your opinion, then, that the functions of this organization were limited to cases of homicide where evidence would be insufficient to convict in a court of justice?

Answer. I think not, sir. I use that merely as an illustration.

Question. What other offenses were included in the jurisdiction of this Ku-Klux organization?

Answer. I think there were many disorders; I think that theft, and arson, and many violences common to communities might have been punished by these men.

Question. Were not theft and arson punished in your court? Was there any difficulty in punishing such offenders?

Answer. I reckon not, if they could have been caught and the proof made.

Question. Then, where the necessity for this organization?

Answer. It is difficult to give illustrations of those particular and peculiar cases in which popular opinion assigned to these men a hand in punishment; but I simply give these cases as illustrative of what I believe was the popular impression as to the organization at the time. I simply desire to illustrate by these expressions what I understood to be the purpose of the organization at that time.

Question. I suppose this Ku-Klux organization gave a man a fair trial and a fair opportunity to prove his innocence?

Answer. I really do not know. I have not the means of knowing what the machinery of the organization was, or its method of administration.

Question. You have no information on that subject?

Answer. No information on that subject; in fact, I was not a Ku-Klux, and am endeavoring to state, in response to your questions, as fairly as I can, what the popular impression was in regard to that organization, as I understood it at the time.

Question. Was it the popular impression that this Ku-Klux organization meted out justice generally?

Answer. Well, I think that that opinion depended very much upon whether the party rendering it sympathized with them or did not sympathize with them.

Question. That is to say, his punishment depended upon the fact that he either sympathized with them or did not?

Answer. No, sir. I meant to say that the general opinion as to whether they would do justice or would not do justice depended upon the fact as to whether the sympathies of the party rendering the opinion were with the Ku-Klux organization; in other words, those who were enemies of the organization charged them with acts of violence and injustice, and those who were friendly to the organization, or personal constituents of it, would hold the other opinion. That was my general understanding.

Question. You conversed with both friends and enemies of this organization?

Answer. I have both heard men express sympathy and men express animosity.

Question. Had you any reason to believe that those who expressed themselves in a friendly manner toward the objects of this organization belonged to it themselves?

Answer. No, sir; I had no means of knowing. I never had any means of knowing any individual who was a member of the organization.

Question. Did these friends of the Ku-Klux proceedings or those who sought to justify the Ku-Klux ever inform you as to the plan upon which they proceed when about to lynch a man?

Answer. No, sir.

Question. Did you understand that they ever had anything like a trial, either with the accused present or in his absence?

Answer. No, sir; I never understood it was carried to that extent.

Question. Did you ever know mistakes made by the Ku-Klux organization in the punishment they inflicted?

Answer. Well, I think the whole organization is a mistake, so far as that is concerned, and if you refer to any case where they undertook to administer individual judgment, I, from my own stand-point, think that every attempt of this kind to vindicate order or punish offenses was an offense in itself corresponding in violence to that of an individual doing the same thing.

Question. Did you ever hear of any case of men being punished on account of obnoxious sentiments by this Ku-Klux order?

Answer. I do not remember any individual case. I remember the frequent allegations through the press of occurrences of that character, but any individual case I do

not recall now, and I do not think any have been alleged here, although they may have been. I speak only from indistinct recollection.

Question. Did you ever hear any cases of men being Ku-Kluxed because they were influential, leading republicans or radicals, as they are called here?

Answer. I do not remember any case in this county.

Question. You never heard of any?

Answer. I remember only the allegations of the press in that particular, which have been frequent—very frequent.

Question. You distrusted the correctness of the statements you read in the newspapers?

Answer. Well, I thought it might be true and might not. I treated it as I would any allegations, sir. It might be true and might not.

(At 1.30 p. m. the committee took a recess until half past 2 o'clock, when the examination of the witness, Lionel W. Day, was resumed, as follows:)

By the CHAIRMAN:

Question. With which party do you affiliate at this time?

Answer. I have voted but once in the State of Alabama; I then voted for the democratic nominee.

Question. When was that?

Answer. That was in the last State election, last fall.

Question. Have you ever been a delegate to any democratic convention?

Answer. Yes, sir; I was a delegate to a convention holden at Gadsden before the last congressional election, before the election of Judge Dox, at which convention he was nominated.

Question. Did you compete with Mr. Dox at that convention for the nomination to Congress?

Answer. I did not.

Question Was your name presented to the convention?

Answer. It was not.

Question. You had no aspirations that way?

Answer. My name was mentioned by some gentlemen from Huntsville, but never used or considered in competition with Judge Dox.

Question. Was your name presented with your approbation?

Answer. It was not presented at all to the convention.

Question. You were not an aspirant, I understand you?

Answer. I stated this in regard to that matter, that I was not an aspirant and did not desire the nomination. It was suggested by some parties that my nomination perhaps would be a proper and advantageous one politically, and I stated to whoever named it to me that I was utterly indifferent as to whether I was nominated or not. But I did not desire the position, and never have.

Question. How has it happened that you have never voted during your five years' residence in Alabama?

Answer. I never have registered.

Question. When did you register?

Answer. That is of record in the probate judge's office. When was the election here last for Representative?

Mr. BUCKLEY. In November last.

The WITNESS. I think perhaps I might have registered in October. My reason for registering especially was, I had personal friends in the county canvass for whom I desired to vote, and to whom, for personal reasons, I desired to render aid.

By the CHAIRMAN:

Question. Did you vote the entire democratic ticket?

Answer. I think I did.

By Mr. BUCKLEY:

Question. Did you have objection to registering before that date?

Answer. I had had some doubts as to the construction of the oath embodied in the constitution of the State.

Question. You mean the oath in which a person promises not to interfere with the political rights of other persons?

Answer. Yes, sir. I had doubts of this character, as to whether it bound a man absolutely to the pursuit of that political faith; whether he thought the necessities of the times required him to change—compelled him to change—his opinions as to the question of negro suffrage. That was my doubt in the matter. I hesitated over that. I finally came to this conclusion: that the oath was a part of the constitution of the State, and it bound the citizens in its observance only so long as it was a constitution of the State, and that he had the right, if he saw fit, to oppose the policy upholding this negro suffrage, if he saw fit, after taking that oath. That was my conclusion, finally.

By the CHAIRMAN:

Question. Are you opposed to negro suffrage?

Answer. Well, sir, I am in doubt as to whether negro suffrage is a greater disadvantage to the country at large than the former system of white suffrage, which was universal; but as suffrage stands in the political organization of this State to-day, I cannot say that I am opposed to it. I am opposed to it only in this sense, that I am opposed to universal suffrage under any state of facts.

Question. How would you limit it?

Answer. I would limit it by an educational and property qualification. That is my private view.

Question. You would combine both?

Answer. Yes, sir. I would represent intelligence and property both in the elective franchises of the country.

Question. Would you have white suffrage qualified in the same manner?

Answer. Yes, sir. I believe that impartial suffrage is the correct theory.

Question. What do you mean by impartial?

Answer. Impartial so far as race and color are concerned.

By Mr. BUCKLEY:

Question. Would you deprive white men that have exercised the elective franchise at a former period of their life of their franchise now?

Answer. I would not agitate, if I could, the deprivation of any white man's right to vote, but I do not believe that the foundation of universal suffrage for a government is a safe one.

By the CHAIRMAN:

Question. How much property do you think a man should own to be qualified to vote?

Answer. Well, so far as that is concerned, I would simply make his interest sufficient to make him conservative of the material interests of the country.

Question. You would have him a land-holder?

Answer. No, sir; I do not think I would. I do not think it is considered material by those who agitate the question of property representation that the electors should be holders of the soil.

Question. I would be glad to have your opinion as to how much property a man should own before he should exercise the privileges of voting.

Answer. I believe in some States there have existed property qualifications. What the variety of judgment has been, as determined by the statute of these States, I do not now remember.

Question. I am asking for your own opinion.

Answer. Well, I am not prepared to specify any amount that I know of. I should think that such an interest in the property of the country as would require conservatism in maintaining order and peace in the community, from motives of personal interest, would answer the ends of that theory. I can hardly specify an amount.

Question. You spoke of having voted last fall with the democratic party; are you in the confidence of that party in this community?

Answer. Well, sir; I consider I have the confidence of the honest men in this community.

Question. Of the democratic party?

Answer. Yes, sir; of the democratic party, and I think, perhaps, of the republicans personally, but not in a political sense?

Question. Not in a political sense?

Answer. Not in a political sense, I presume, of the republican men of the community; probably not, because they know my conservative tendency, and it would be unnatural that there should be a bestowal of confidence under that state of facts. I would not seek it, and would not desire it.

Question. What are the present views of the democratic party in this part of the State of Alabama in relation to negro suffrage?

Answer. Well, sir, I think that if the question of negro suffrage were submitted to the determination of those democrats that control public sentiment in Madison County to-day, it would not be disturbed. I have a very decided belief that it would not. I have heard many of them express their opinions to that effect.

Question. Do you think that there is a hearty acquiescence in the fifteenth amendment to the Constitution of the United States on the part of the democratic party in this county?

Answer. I think that there is this acquiescence: that which is yielded by men who desire to obey the ascertained and settled laws of the land in regard to suffrage or anything else, and I think that the general belief in this community is, that negro suffrage is incorporated into the organic law of the land, that the franchise cannot be diverted from the colored race without revolutionary efforts, and that they do not desire any

disturbance of the sort, and will not labor to that end under that state of facts. I believe that is the overwhelming sentiment, not only in Madison County, but throughout the Tennessee Valley, which embraces the preponderance of intelligence and numbers in these northern counties.

By Mr. BUCKLEY:

Question. Are these views advocated by the democratic press in this county?

Answer. I think there is a division. The Huntsville Democrat, I believe, is not in favor of an avowed acquiescence.

Question. Is it "new departure" in its tendencies?

Answer. No, sir; it is not. It is not in favor of an acquiescence with the theory of the "new departure," for this reason: that he conceives that such acquiescence would commit the democratic party to the theories of the republican party, which he opposes; that it would so far commit it that it would not only be an indorsement of the status of affairs now, but would place the democratic party in the position of advocating those measures *de novo*, provided they did not now exist.

Question. Is not that the leading organ of your party here?

Answer. The Huntsville Democrat?

Question. Yes, sir.

Answer. Well, the Huntsville Independent has lately been sold out, I believe; I think that Mr. Clay represents a very decided minority on that issue.

Question. Does not his paper have the largest circulation in the county?

Answer. I do not know the figures. I can ascertain, if necessary.

By the CHAIRMAN:

Question. Is there a general recognition by the democratic party in this part of Alabama of the reconstruction measures as constitutional and valid?

Answer. I do not think there is any question about it. I do not think any question is made on it. I hear of none.

Question. When did the change occur in the views of the democratic party in this part of the State?

Answer. I understand the political view in this country to be this: that while they believe that the measures of Congress for the reconstruction of the Southern States were, in many respects, unconstitutional; while the amendments were adopted with a certain degree of arbitrary force by the Congress, determining what was a State and what was not, at pleasure, yet these acts have passed into law, and being recognized by the political department of the Government as a part of the Constitution of the United States, that they are in fact a part of the Constitution, and they can only be set aside by the employment of the same means that were used in their institution. That, I think, is the general sentiment of the democrats who are leading in this county now.

Question. Were the views of General Blair, as expressed in his letter to Colonel Brodhead, in July, 1868, upon the eve of the democratic convention at New York, generally approved by the democratic party here?

Answer. I think they were generally regarded as telling the truth in spirit. The technicalities of the case may have changed their aspect. They came with an issue of party. I think they were generally regarded, however, as being revolutionary in their tendencies.

Question. Did he not in that letter declare his opinion to be that these reconstruction measures were unconstitutional, revolutionary, and void?

Answer. I think he did.

Question. You say there was a general acquiescence by the democratic party in this part of the country in that statement?

Answer. I think men generally believed that these measures were the result of partisanship and were outside of the Constitution, and I think they quoted Mr. Stevens as authority on the subject generally.

Question. When did the views of the democratic party undergo a change on that subject?

Answer. I think they underwent a change when the fifteenth amendment had ripened these measures into the form of organic law. When they found it had passed into an irrepealable form except by revolutionary means, they determined to submit to it, although it embodied sentiments they would not have regarded as binding except as part of the Constitution.

Question. Are the democrats here in favor of what is known as the "new departure?"

Answer. In this county at the last election but one for the legislature, the majority for the republicans was three hundred, I think. In the last election the member advocating the "new departure" was elected by nine hundred majority, leading his ticket I think one hundred votes.

By Mr. BUCKLEY:

Question. When was that election?

Answer. Last fall.

Question. Was not that before "new departure" came up?

Answer. O, no, sir.

By the CHAIRMAN:

Question. Did not that "new departure" movement occur in the spring of the present year?

Answer. The "new departure" has been advocated in this part of the country by the gentleman to whom I refer who was elected to the legislature, to my certain knowledge, since a year ago last winter; for several of the editorials I read before they were published.

Question. The same movement as advocated by Mr. Vallandigham?

Answer. Yes, sir. The prominence given to it by his advocacy did not make it an original proposition with him. It was held before he took hold of it.

Question. I understand you to say that the democratic party in this portion of Alabama is at this time heartily in favor of this "new departure" movement?

Answer. By heartily, I am unable to say what the question means; but I think that the nominees on that platform will be elected. I think that that was the sentiment throughout the State, and I am quite certain from those in the confidence of Governor Lindsay that he is in favor of the "new departure," and opposed to any further agitation of the question of negro suffrage. He assigns the reason given by the bulk of those who favor the "new departure," that it is the organic law, and it would be revolutionary to attempt to overturn it.

Question. Are the democratic party here at this time in favor of the fifteenth amendment as a finality not to be disturbed?

Answer. I have no doubt in my mind but what they are.

Question. You are of opinion that if the democratic party were installed in power, no effort would be made to repeal that part of the Constitution?

Answer. I am most decidedly of that opinion.

Question. I understand you to say that men coming from the northern and western States are well treated here without exception?

Answer. I do not remember whether I have stated anything in regard to exceptions. I stated this: that I knew of no cases in which they had been interfered with.

Question. Then there are no exceptions to the civil treatment of men coming from the northern and western States?

Answer. None that I know of.

Question. About how many residents have you in this county of Madison, from the northern and western States, who came since the war?

Answer. I cannot state positively, although I heard some gentleman who professed to state, and whose name I have forgotten, though it came to me with some air of authority, that there were between eighty and one hundred men in the county who had come here.

Question. Do those men generally affiliate with the republican or democratic party?

Answer. I think there is a division. My impression is that perhaps a majority of them affiliate with the republican party.

Question. Are they bold and outspoken in the expression of their opinions?

Answer. I think they are aggressive.

Question. What do you mean by aggressive?

Answer. That they are inclined to assert them with a certain air of obtrusion.

Question. Obtrusion? Has not every man in this country the right to express his opinion on all questions at all times and places?

Answer. Yes, sir; and I use the word "obtrusion" in the sense of opposition to the repression of their sentiments. I think that men in this county—they have had a majority here—have been excessively bold and outspoken, free and undisguised in the assertion and averment of their political sentiments. I have yet to know of one man, if my memory serves me aright, who has been interfered with.

Question. Why then do you say this expression has been obtrusive?

Answer. I have stated why. I used it in opposition to repression, as you seemed to inquire whether men have been compelled to repress their political sentiments. I say they have been bold—obtrusive.

Question. You do not mean offensively obtrusive?

Answer. O, no, sir; not at all.

Question. What means have you of knowing that there is no sense of insecurity felt by northern men in this community?

Answer. I know large numbers of them, and I know of no case of complaint, and the northern population here are very ready to complain of any want of notice or attention, and are sensitive upon the subject of their relation with the people here, and for that reason I think that, if that state of facts suggested in the question had existed, I should have known it. That is substantially my reason.

Question. Are northern men treated upon terms of social equality here?

Answer. Well, I reckon that they follow the rule of humanity everywhere; they find their level. I have seen no divergence from the rule. A man who is a gentleman will receive the civilities of a gentleman. A man who is not, will assign himself to his proper relations. I think that is the rule here, as in all other communities I have been in. It is a mere question of social gravitation.

Question. You think, then, that no distinction is made in this community in a man's treatment on account of the place of his nativity?

Answer. I think this, that a man who comes here from the North is subject to a closer scrutiny, in regard to his character and standing generally, than, perhaps, he might be under other facts; and I think further, that that disposition on the part of this community here—I cannot speak for any other southern community—to investigate closely the character of men who appear here, has been stimulated by the fact that many men have floated in that have been left behind by the Army, whose conduct has reasonably and properly put such communities upon their inquiry as to their character, and would put northern communities, under the same state of facts, upon the same inquiry.

Question. Is the same investigation made as to a man's antecedents when he moves here from the Southern States?

Answer. I should think probably not; not as severe, perhaps, although I do not remember of any case; no case has ever been called to my knowledge. There is no class from which to form an opinion.

Question. Why should there be a distinction in this respect?

Answer. I suppose it grows out of this fact, that the sections have been divided by war, and that has left animosity behind that would necessarily create a certain bar between men, especially in their social relations, although I do not think it does in their business relations. Add to that the fact that a great many men have been left behind by the Army, as every man with an experience in southern communities knows, to whom credit would not be attached in northern communities, and to whom position, official or otherwise, would not be assigned, as it is in many cases in southern communities; therefore I think it a reasonable suspicion on the part of the southern communities.

Question. Do I understand you to say that there is a feeling of animosity growing out of the war still existing in this community against northern men?

Answer. You understand me to say simply what is patent to every man acquainted with the facts, that men cannot associate together ordinarily, cannot meet together as strangers, who have undergone those social and political divisions that have been brought about by the war, upon the same relations that they would if those divisions did not exist. That is what I mean to say. I think that statement is true of all communities.

Question. I am speaking of this community, and asking you the plain, direct question, whether, in your opinion, there is any animosity lingering here against men as northern men, and because they were identified with the movement of the Government to suppress the rebellion?

Answer. Well, I think it raises such a presumption against a man before he is known, and before he recommends himself by his personal conduct as a gentleman, as would deprive him of the voluntary personal association of many persons in the community. I think the case could be considered as against him until by his personal association he had recommended himself as a good citizen.

Question. Does it commend a northern man to greater favor in this community if he joins the democratic party?

Answer. Well, it would commend him to their favor, because there is a majority of nine hundred in the county and six or seven thousand in the district. It would commend him to the political favor of the numerical majority on account of the political affiliation, evidently; and, inasmuch as the bulk of the gentlemen in this community—of the well-meaning and substantial citizens of this country—are conservatives or democratic in their sentiments and tendencies, it would probably collect around him a society that would be much larger and more agreeable than the other class of affiliations suggested.

Question. Suppose two northern men were to come here of opposite politics—one a republican and the other a democrat—and seek to enter into business, would the democrat secure more favor than the republican, on account of his political affiliations?

Answer. I think it would be the reverse, sir, because the republican merchants are few in the country; they are a little behind in numbers, and they would be apt to draw around them the trade of those who sympathize with them in political matters. I know men of both parties who have come here and gone into trade, and I do not know now that there are any facts in their experience, under my observation, to enable me to give an opinion. I know men of both political creeds have come here and succeeded.

Question. Both succeeded equally well?

Answer. Yes, sir, I think so. I know Mr. Vandeventer, here, a gentleman reliable in

every respect, has been patronized by every one, and has been successful. He is a man of means, and is a republican. I know others who are conservatives.

Question. Do they talk politics?

Answer. Mr. Vandeventer, a republican, has been a member of the board of county commissioners, for, I think, some years. I do not remember the date of his appointment, but I have associated him with the board for a long time. He is a northern man.

Question. With which party did you vote before coming South?

Answer. I voted but once before coming South. I then voted for Mr. Lincoln at his last election.

Question. You say you have known of no demonstrations of violence except in a democratic meeting?

Answer. I do not remember any.

Question. When did that occur?

Answer. That was the 3d of August, in 1868.

Question. Are you acquainted with the counties of Limestone, Blount, Colbert, Fayette, Coosa, Jackson, Morgan, Winston, and St. Clair?

Answer. I have a general acquaintance through these counties; some, I think, in Coosa County. I do not remember any particular individual, that I know, whom I recollect now, but I might be able to do so. I believe in all the other counties I have acquaintances.

Question. Did you ever hear of the Patona disturbance in St. Clair County?

Answer. Yes, sir.

Question. Did you hear of Luke and four colored men being killed in that county?

Answer. Yes, sir.

Question. That was last fall, was it not?

Answer. I think it was last fall, or winter; I should think later.

Question. You think it was later than that?

Answer. Yes, sir, I think so. It occurred then. I should say at about that time, but the date I do not recall.

Question. Did you understand that these men were killed by a band of Ku-Klux?

Answer. I think I did. My recollection is, that that was the statement I heard.

Question. Did you understand that they were banded together for that particular purpose, or that they were a part of the Ku-Klux organization?

Answer. My understanding was one derived in the main, if not wholly, from one of the leading republicans of this district, who was a brigadier general in the Federal Army, and is now a Federal office-holder, and, I presume, was in the main correct, for he is a man of high integrity and character; and, if I remember aright, the substantial features of it, as he related it to me, were that the contest grew out of a personal difficulty between a negro and a white man, in which the white man, I think, slapped the negro for allowing his horse to escape, which he had been holding at the door as he went into the store; that that slapping provoked a vast amount of ill-feeling; that the negroes assembled in a body and fired upon the congregation coming from the church, composed of men, women, and children, and that afterward these men, in disguise, went and took these parties out and hung them. That is substantially what I remember to have learned of the transaction.

Question. Did you understand that anybody coming from the church was injured by the firing?

Answer. I do not remember, but I think not.

Question. These men were disguised and armed, were they?

Answer. That is my recollection of it.

Question. About how large a number?

Answer. I have forgotten. I do not remember that I ever heard.

Question. Were they disguised after the manner of the Ku-Klux?

Answer. I do not know what the disguise was. My information of the particulars of the disguise, perhaps, was gained from newspaper reports, and perhaps from the party to whom I have referred as my relator, but my general idea was that their faces were concealed so that they could not be identified.

Question. Have you heard of any recent disturbances in Limestone County?

Answer. Yes, sir; I have heard them reported here—disturbances of various characters there.

Question. Have you heard of punishment being inflicted by men banded together in disguise?

Answer. I think it is alleged that a party in the control of Captain Sam Moore, as he is called, did some violence by attempting to drown or hang a man by the name of Weir. I think they are said to have been in disguise. I am not certain, but that is my recollection.

Question. Is that the only instance you remember in Limestone County?

Answer. Of whipping in disguise?

Question. Yes, sir.

Answer. That is the only one I now recollect.

Question. Within a year past?

Answer. Yes, sir; the only case in which I remember to have heard it alleged that disguised men accomplished anything. I think there was a popular statement here, and I reckon it was true, that a body of men in disguise went to the jail in Limestone County one night, to liberate some one there, and the citizens came out and organized and repelled them. They didn't effect the object of their visit.

Question. Are these the only instances you recall?

Answer. They are.

Question. Have you heard of any like instances in Blount?

Answer. No, sir; I do not remember any cases in Blount.

Question. Or in Colbert County?

Answer. I believe this Holseapple case was from Colbert. I only remember the one case; the case charged by Henderson, about which I have testified.

Question. I will ask the same question as to Coosa?

Answer. I do not remember any as to Coosa.

Question. Any in Fayette County?

Answer. Yes, sir; there are allegations in regard to the whipping of a negro by the name of William Bryant, by certain disguised parties there. I think he alleges that they were disguised, but I am not certain of it. I will look at the complaint, and can correct that if desired.

Question. Is William Bryant's case the only one brought to your notice as occurring in Fayette County?

Answer. The only one brought to my official notice.

Question. Have you heard of any other case?

Answer. I am informed by Judge Minnis, the district attorney, who has lately returned from Fayette, that a man by the name of Humber, and one named Gregory, I think, were lately arrested for some alleged violence in disguise, but the character of it I do not know. He did not tell me. He merely said that they had given bond for an appearance at the next term of the court; that they waived examination before Judge Williams, the commissioner.

Question. Have you heard of any disturbance in Morgan County?

Answer. Yes, sir; there was a sort of a vendetta existing there between two parties in Morgan County, in which, I understand, the parties went regularly into camp, and had a complete organization. I understood, also, that they were not divided upon any political grounds, but it was the result of local animosities and differences; that there were men engaged in the interests of both parties indifferent as to their politics. That was the report and the general understanding I have of it. I know that General Crawford sent troops there, and I think it resulted in the disbanding of the organization.

Question. How large were they reported to be?

Answer. I think there were thirty or forty men in it, assembled without disguise in the hilly countries.

Question. What was the subject of their hostility?

Answer. I do not know that I am able to state. I think it grew out of the killing of a man by the name of Fenelon Raglen. My impression is that Raglen's killing was alleged to have grown out of a difficulty in a settlement in the probate court, but I am indistinct in my memory. I have it connected with that statement.

Question. Did one of the parties seek to take the life of the man, and the other to protect it?

Answer. Raglen was shot while sitting at supper, through the windows of his house. I think he was supping with his family. That is my recollection. It was some time ago; I suppose a year and a half. He was killed while in that position. I do not think there was any popular attachment of a political motive to the act, for I think Raglen was a democrat.

Question. What, then, did these two bodies of men assemble for?

Answer. I am not absolutely certain as to what they assembled for, but I suppose it grew out of allegations of hostility, and threats made by the friends of Raglen against other parties, and my impression is now that the name of Ku-Klux and Anti-Ku-Klux was attached to these parties. It just occurs to me. My impression further is that the Anti-Ku-Klux party assumed, or were charged with assuming that name, in order to throw odium upon their opponents, and secure popular favor and the support of the troops. That was alleged. Whether true or not, I am not able to state.

Question. Judge Charlton, in that county, was killed?

Answer. He was killed in Decatur; assassinated by a man concealed, as generally understood.

Question. What was Judge Charlton shot for?

Answer. The purposes of the parties or their motive I do not think were very definitely settled.

Question. Was he a democrat or a republican?

Answer. I think he was a republican.

Question. Prominent?

Answer. Yes, sir; he was foreman of the last Federal grand jury here, and I think was quite prominent. I think that Mr. Charlton was a very strong advocate of Mr. Houston's election to the United States Senate—a democrat.

By Mr. BUCKLEY:

Question. Houston used to be an old Union man?

Answer. Yes, sir, up to the close of the war. Charlton, I think, was generally understood to be a republican and an avowed man. He was killed in the night. I think he was killed at 3 o'clock, as he got off the Nashville train, as he got off in the vicinage, if not the immediate presence, of quite a number of passengers and men.

By the CHAIRMAN:

Question. Did you understand what the motive of his assassins was?

Answer. I must reflect on that a moment.

By Mr. BUCKLEY:

Question. Do you mean 3 o'clock in the night, or was he killed in the daytime?

Answer. Three o'clock in the night-time. I have forgotten now, but I have a vague impression as to the understanding, that they assigned to him some motive in the killing of Raglen, or some advisory relation to that, but what it dictinctly was, I am unable to recall. It is a vague impression in my mind now. It was connected with that in some way. It was a matter in which I took no interest.

By the CHAIRMAN:

Question. Had his politics anything to do with his taking off?

Answer. I am not able to say. I can only state what I have just repeated—the impression that I have of some connection Charlton was supposed to have had in the difficulty of Raglen—whether direct or advisory, and whether correct or not, I cannot say.

Question. Had Judge Charlton rendered himself offensive to the democratic party on account of his prominence in politics?

Answer. Not that I know of—not especially so. Charlton, I think, was generally kindly considered, regarded as a kind gentleman and a good citizen. That was my understanding of him. I have heard democrats in this town express that opinion of Charlton, as being a very kind, good man.

Question. Did you ever hear it assigned as a motive for whipping colored men that it was to induce them to vote the democratic ticket or abstain from voting the radical ticket?

Answer. Do you refer to this country—this general scope of country in this vicinity?

Question. Yes, sir.

Answer. I do not remember that I ever did. The bulk of the charges that I have heard made by negroes in that particular was that they desired to get them off of their places after they had made a crop. They would allege something of that sort—that they were not fairly treated in settlement; that their accounts were not fairly rendered; that persons indebted to them were seeking to intimidate them, to drive them away, in order that the account might be closed by the absence of the negro.

Question. You have heard of no instance where colored men were whipped for the reason that they voted the radical ticket?

Answer. I do not remember any case. I do not think any cases have occurred.

Question. I will ask you again to classify the offenses which these men banded together in disguise ordinarily punished.

Answer. Without attempting to classify, I will give one or two incidents of that character that I now recall, without giving the names or dates, for I have forgotten them. I remember them as incidents occurring—nothing more. A man, I think in Lawrence County, was charged with cruelty to his wife; it was alleged to be a trifling case. He was charged with whipping and maltreating his wife, and a body of men, who I think were in disguise, went there and took him out and gave him a whipping on his bare back, and admonished him to more proper customs in his domestic habits, and turned him loose. In another case, in the northern portion of this county, in which I think men were in disguise, a man was tried in this court-room for murder and arson. I think his name was Smith. He was defended with a great deal of ability, and acquitted, and the popular belief in the country where he lived, which was in the northern edge of this county, was that he was the party who committed the murder and arson. After his acquittal and return home they hung him by the neck.

By Mr. BUCKLEY:

Question. Until he was dead?

Answer. Until he was dead.

Question. When?

Answer. I think that was two years ago, as well as I can remember. I am very faulty, though, in dates.

By the CHAIRMAN:

Question. I understood you to state, this forenoon, that one class of offenses which these disguised bodies of men sought to punish was petty thefts. Did I understand you correctly?

Answer. I think you misunderstood me. I may have suggested that by way of illustration of the general statement I made. It was not my purpose to specify any class of offenses they were specially organized to punish, but to illustrate my meaning by giving instances of offenses which they were alleged to have punished.

Question. You have heard of no cases where a man was lynched on account of being charged with stealing?

Answer. I do not recall any.

Question. You state that you never conversed with Mr. Lakin but once. Did I understand you correctly?

Answer. You did not.

Question. You said, "I know Mr. Lakin, and conversed with him once twelve months ago." Were you well acquainted with Mr. Lakin?

Answer. Well, sir, I met him when he was in town I reckon every day. He was in my office advising with me on two or three occasions, asking my advice as an attorney in regard to some church matters, involving the rights of the church to property conveyed by deed, and that sort of thing. I had that sort of acquaintance with him.

Question. Did he spend much of his time in town?

Answer. Well, I should think he spent one-third or one-half of his time here—probably less.

Question. Do you know that he ever organized a political league or club on his circuit?

Answer. I do not. I do not of my own knowledge.

Question. Do you know that he ever made a political speech?

Answer. I never have heard him make one.

Question. Do you know of any immoral conduct on the part of Mr. Lakin?

Answer. You inquire for my personal knowledge?

Question. Yes, sir.

Answer. I do not.

Question. Did you ever detect him in an untruth?

Answer. Not unless the statement he made to me in regard to his treatment in the mountains was not true. I understand it to be in direct conflict with his testimony.

By Mr. BUCKLEY:

Question. Before his testimony was given, and leaving it out of view, did you ever detect him in an untruth?

Answer. No, sir; never.

By the CHAIRMAN:

Question. Until he gave his testimony before the investigating committee at Washington, was Mr. Lakin ever the subject of conversation to any considerable extent in this community?

Answer. Yes, sir; Mr. Lakin had considerable notoriety here. I think he was a presiding elder of, perhaps, a missionary church, or the Methodist Church North. My understanding is that he occupied relations as some sort of an embassador to the church South, or the Southern communities. He may have been a missionary, for ought I know. In that particular, his repeated political acts were the subject of general comment, and were said to have been attended with very considerable ability. In other words, he is said to have made a first-class stump-speech.

By Mr. BUCKLEY:

Question. You never heard it?

Answer. No, sir.

By the CHAIRMAN:

Question. Where was it alleged that he made a political speech?

Answer. I think I heard a gentleman say he made one in the Baptist Church—one or two.

Question. In this town?

Answer. Yes, sir. I think I was told of it the night of the gentleman's return from the speech. It was told me by a republican.

Question. When should that speech have been made?

Answer. I am not positive, but I think it was last fall.

Question. Did your informant tell you that he had heard the speech?

Answer. I think he did.

Question. Who was your informant?

Answer. I think it was Mr. Nicholas Davis; and the information was communicated to me in the course of a casual conversation. I was living at his house.

Question. Was it at a political meeting of the republican party?

Answer. I think it was, sir, of members of the republican party.

Question. What other political speech was he reported to have made?

Answer. I have understood that Mr. Lakin was in the habit of delivering political addresses to Union Leagues and clubs organized outside of the town: but whether this statement was true or not I am not able to say. That was the general understanding I had of what he did politically outside of the town.

Question. Was his demeanor in this community, so far as you observed, that of an orderly, good, law-abiding citizen?

Answer. It was, sir.

Question. Did you ever hear any charges against his morality as a man?

Answer. I have never heard of any as occurring in this town.

Question. Were the men who expressed these opinions unfavorable to Mr. Lakin democrats?

Answer. I think they were, sir. I cannot recall all of the individual cases of expression I have heard. Some may have been republicans; one I know was a republican that now occurs to me.

Question. I will ask you to state whether his mission South for the purpose of establishing Methodist churches, or detaching members from the Methodist Episcopal Church South was offensive or gave offense.

Answer. I think it provoked the usual antagonism that exists between rival churches. That is my impression of it. I understand he was very successful, and built up large congregations. I think it provoked the ordinary animosity, which is pretty severe, that arises from successful rivalry in church affairs.

Question. He was recognized as a man of very considerable ability in his profession?

Answer. I think he was.

Question. You hold your commission as clerk of the district court from Judge Busteed, do you?

Answer. I do, sir.

Question. This, then, is held, as I understand it, at the pleasure of the court?

Answer. At the pleasure—so recited in the order of appointment.

By Mr. BUCKLEY:

Question. Did I understand you, Mr. Day, as stating that you were appointed clerk of the court before you came here?

Answer. I so stated.

Question. When you first came to the State, after the war, did you come directly to Huntsville?

Answer. No, sir; I came to Montgomery.

Question. How long were you in Montgomery?

Answer. Seven or eight months, I think. I think I got to Montgomery in August. I came to Selma first. I was seeking a location to go into practice. I had just got my license, and was seeking a location. I went to Selma, and from there went to Montgomery, and remained from the middle or last of August until the first of February, 1866.

Question. How were you employed in Montgomery during that time?

Answer. I was in the post-office in Montgomery.

Question. Under Mr. Bibb?

Answer. Yes, sir; under Mr. Bibb for two or three months or longer; I have forgotten the dates. I was there for several months.

Question. You were appointed, while there, clerk to the court, and then came here?

Answer. Yes, sir.

Question. Appointed by Judge Busteed, as you have said?

Answer. Yes, sir.

Question. You were here, then, during the presidential election of 1868?

Answer. Yes, sir.

Question. Where were you the night of the raid, as you termed that riot in 1868?

Answer. I termed it a riot, I think; not a raid. I was, a portion of the time, on the square. I was informed by a young man in the town, with whom I was acquainted, that it was altogether probable that these men would offer violence to his father, who was a leading democrat—Mr. Joseph C. Bradley.

Question. What men had you reference to?

Answer. These disguised men. He asked me to go down, selecting some out of his democratic and many republican friends.

Question. You say that his father was a leading democrat?

Answer. A leading republican.

Question. He is, within your personal knowledge, I presume, a leading republican?

Answer. I desire to be so understood.

Question Were you on the square at the time these disguised men rode in?

Answer. I was on the square and walked through the column; and at the request of Mr. Bradley, as he feared violence to his father as a leading republican, I went down to his house with him and with two little boys in the yard. We took our position, armed, to defend him against the assaults of these Ku-Klux.

Question. Mr. Bradley, you say, was a leading republican?

Answer. Yes, sir.

Question. And a leading citizen of the place?

Answer. Yes, sir; I think he has lived here for a good many years.

Question. A man of very high character?

Answer. Yes, sir; of leading character.

Question. Why should he have apprehensions?

Answer. Well, sir, I cannot attempt to explain the motives that enter into the mind of any man.

Question. You went down?

Answer. I went down. The result was, so far as I know, that they did not come within a hundred yards of his house. They turned around and marched out without any demonstration.

Question. Are you aware that on that night there was a republican meeting going on in this building, [court-house]?

Answer. Yes, sir. I do not think I saw the meeting, but I was informed of the fact, and understood that to be the case.

Question. Did you understand that Judge Thurlow came here from Athens, Limestone County, and addressed them?

Answer. No, sir. I knew he was here. I knew him very well, and had seen him the day before his death. I did not know his purpose here.

Question. You knew he was shot that night?

Answer. Yes, sir; I went to the hotel and saw him after he was wounded. I do not think I saw the firing after I had gone down to Colonel Bradley's; but I saw the riotous demonstrations, and they came from the parties who had then come from the court-house. As far as I could see, the violent demonstrations came from these, and I was informed by parties along the north side of the square that nine-tenths of the shots came from this court-yard, and were fired at the corner opposite. I know one man who was shot through the head on that corner, and it was alleged by parties, I think directly to me, that Judge Thurlow was standing at the northeast corner of the court-house yard by the gate, and the supposition at the time generally was that he was shot accidentally by some one firing from the inside outwards.

Question. Do you think there was any connection between the republican meeting and the appearance of the Ku-Klux, one hundred and fifty strong, in the town?

Answer. I do not know. I heard it said, whether it was general belief or not I am not prepared to say, that there were some negroes who had said that no Ku-Klux could ever pass through this town again without being shot; that these Ku-Klux had heard of it, and that they came in and rode through the town for the purpose of giving them an opportunity to shoot at them if they wanted to.

Question. Did not General Crawford, commanding the United States troops at that time or before, give orders to his men to fire without hesitation upon any man riding in disguise here?

Answer. I do not remember, but I do not think that General Crawford was in command here at that time. It was General Hayden, I think.

Question. Do you know whether such an order was given to the troops?

Answer. I think it was. It is a vague impression. I think I heard it stated that orders were given to fire, but whether it was to be without challenge or assault, or not, I am not able to say. I have forgotten.

Question. You spoke in the opening of your testimony about a posse in Limestone County. Did you have reference to a sheriff's posse?

Answer. I was informed by the present solicitor of the county, and also acting as the representative of the United States attorney there, that he requested the sheriff to act as the leader of a posse, and the sheriff demurring to that proposition, the solicitor proposed to head the posse and go himself; but afterwards the sheriff went.

Question. Have you ever heard of any bands of disguised men in that county of Limestone?

Answer. I think I have several times, but I do not remember of hearing of any particular cases of violence, except the one in which they came there and proposed to effect an escape.

Question. Did you ever hear that there were two parties of disguised men, and that they fell out about the stealing of horses, and that the two parties were arrayed against each other?

Answer. I do not remember of hearing that they were disguised men, and I do not know that I heard that they were both interested in horse-stealing. My impression is that one party was in the interest of theft.

Question. And the other was not?

Answer. Yes, sir; that is my opinion.

Question. And that was the cause of the division between them?

Answer. Yes, sir; that is my impression.

Question. And neither acted with the sheriff or under his control?

Answer. I think not; neither of these Klans. Some killing I understand to have occurred under the direction of the posse; the killing of thieves—a man named Barber, who was charged with horse-stealing and also with murder.

Question. Did you ever hear that Mr. Lakin's house was shot into here on the night of the 10th of October, 1868?

Answer. Yes, sir. I heard a load of shot was fired through his window, and passed through the room and struck the opposite wall.

Question. In the night-time?

Answer. I think it was. That is my recollection.

Question. Do you know whether the shot came from men in disguise or not?

Answer. I do not. I do not think it did. I never heard it alleged that it came from men disguised.

Question. You never heard Mr. Lakin himself make a political speech?

Answer. No, sir, I do not remember of having heard him. I never attended but one political meeting in my life, I think.

Question. Did you ever know or see any act of Mr. Lakin derogatory to the character of a Christian minister?

Answer. I did not.

Question. You have known him for some time?

Answer. Yes, sir.

Question. I find on page 439 in the testimony given by Mr. Dox, before a portion of this committee at Washington, the following question and answer which I will read: "Question by the chairman, (Mr. Poland.) What act did you ever hear of Mr. Lakin committing derogatory to his character as a Christian minister?—Answer. I cannot say that I have heard of any specific act derogatory to his character as a Christian minister." Do you concur in that opinion with Mr. Dox?

Answer. I do not. You ask me in one case what I know; in the other what I have heard. I cannot answer both questions from the same standpoint.

Question. Have you heard, from sources that you can rely upon, that he is not a minister in good standing?

Answer. A minister in good standing with his church?

Question. Yes, sir.

Answer. I have not.

By Mr. BECK:

Question. The question is whether you ever heard of Mr. Lakin committing any act that was derogatory to his character as a Christian minister?

Answer. I asked if he meant in good standing with his church. I did not wish to drag in anything that was not in the question.

By Mr. BUCKLEY.

Question. I ask for your personal knowledge.

Answer. You ask me in the one case what I know and in the other what I hear. I have heard things derogatory to him.

Question. Did you ever hear anything derogatory to his standing as a Christian minister before he gave testimony in Washington?

Answer. What is the date of his examination?

Question. June 13, 1871.

Answer. I do not recall anything. I think I heard it alleged before that time, but I am not certain about it, that he had been guilty of gross impropriety in seduction and that sort of thing, with some families confided to his charge in some northern country, but I cannot say positively that it was before that time, for I do not remember it. I heard that as I ordinarily hear such matters. I afterward heard it repeated several times, and heard it amplified.

By the CHAIRMAN:

Question. Where should that have occurred?

Answer. I think it was in New York.

Question. In the city?

Answer. In the State of New York or New Jersey. It was given to me; I heard the details of it.

By Mr. BUCKLEY:

Question. When was it given to you?

Answer. I have just stated that I could not tell exactly.

By the CHAIRMAN:

Question. Do you think it was before the 13th of June last?

Answer. My impression is that it was, but I cannot say certainly; I cannot fix the time.

Question. Who was your informant?

Answer. I heard a party of gentlemen; I heard it repeated by Colonel Lowe for one. It was repeated in the course of a street conversation, and I have heard it mentioned by several parties; I do not recall their names now. It occurred as these things do. I did not remember it.

By Mr. BECK:

Question. Do you recollect a man by the name of Van Valkenburg speaking to you about it?

Answer. He was in a party, I recollect now, when this subject came up—Colonel John Van Valkenburg, a gentleman from Indiana.

By the CHAIRMAN:

Question. Did these gentlemen speak from any personal knowledge they had?

Answer. No, sir, I think not.

Question. Did they tell you how they derived their information?

Answer. I think it was stated, but I have forgotten now what it was. It was a matter about which I knew very little, and cared much less, and it passed very idly.

Question. Did Van Valkenburg know Lakin?

Answer. He knew him here, I think.

Question. Did he know him in Indiana?

Answer. He did not know him that I am aware of. I do not know that I heard any assertion in that particular.

By Mr. BUCKLEY:

Question. On page 125 in Mr. Lakin's testimony he says, "My orders from the bishop, and through him to the preachers, were not to mingle in the political arena, but to devote themselves entirely and exclusively to the work of the Christian ministry." Do you think Mr. Lakin ever neglected that order or violated it, to your own personal knowledge?

Answer. Do I think, of my own personal knowledge? I do not know it of my own personal knowledge, but I believe he did, if there is any credence to be given to a general and repeated assertion in the community as to a man's conduct.

By the CHAIRMAN:

Question. Did you ever hear that he preached politics from the pulpit?

Answer. I have heard it asserted; but that charge is a very common and a very old one, and I attach very little importance to that.

Question. You did not regard that charge as reliable?

Answer. I thought, even if reliable, it was minor in its character compared with the other allegations popularly assigned to him or acts-political.

Question. Would you give any credit to it against the positive denial of Mr. Lakin under oath?

Answer. If the question were clearly put to him as to what was meant by preaching politics, I do not think I would.

Question. You think you would believe him rather than this rumor?

Answer. I think I would. I should be inclined to believe almost any man under that state of facts.

By Mr. BUCKLEY:

Question. Having met him frequently and lived together with him some time in this place, do you yourself regard Mr. Lakin as an honest man?

Answer. I have had some pretty lengthy conversations with him of a social character. I do not think that he disliked me at all, from the fact that on several occasions he has remained in my office for some time after the business that brought him there was settled, and I cannot say that I would regard Mr. Lakin as a man of moral turpitude. I think him a zealot.

Question. I asked if you thought he was honest.

Answer. I think Mr. Lakin is a zealot; and I think that matters that conflict with his views would receive great exaggeration in his estimation of them when compared with the estimate of an opponent to his views.

Question. You think he would state his own views strongly?

Answer. Yes, sir; I think he is zealous and a man of strong personal feeling, and would probably, in his own interest, overdo things.

Question. You do not mean to say he is dishonest?

Answer. I did not say that, sir. I am not prepared to say he is or is not dishonest, for I have no evidence before me upon which to act.

Question. You have heard, have you not, of disguised men riding through this and adjoining counties taking men out at night from their families and whipping and scourging them.

Answer. I have heard of these things as a general fact.

Question. Have you heard frequently of such things in this and adjoining counties since you have lived here?

Answer. I have an idea that I have heard of perhaps five or six cases—somewhere along there.

Question. In this county?

Answer. No, sir; I do not recall one case in this county.

Question. Have you ever heard of men being punished for such offenses in the courts?

Answer. I heard it alleged once—— Did you say in the courts?

Question. In the courts.

Answer. I do not remember any cases of it, either in the State or United States court. I do not remember any case of it. I remember of having heard it alleged as a matter of general understanding—my informant I cannot recall now—that some parties had assumed to exercise violence toward persons to gratify their private malice, and that the Ku-Klux had shot them for it. I heard that alleged; that is the only punishment of that class of offenses that I heard of, and that is only a statement.

Question. Have you any doubt in your mind that such an organization did exist?

Answer. I believe it as I believe anything learned from popular credence; more through a want of denial than otherwise.

Question. I think you have stated in your testimony previously that, when this Ku-Klux organization originated and existed here, there was some pretext for it, because the courts were not doing much, especially the county courts. Now, I wish to ask you if you know of any offense punished by such an organization that could not have been punished in the ordinary way?

Answer. In the preliminary portion of the question, I think you misrepresent me.

Question. I have no intention of doing so.

Answer. No, of course; but I desire to say that you put language in my mouth I do not think I uttered.

Question. Nor the idea?

Answer. Nor the idea either. I do not think you will find it in my testimony. I have not said that they were organized to supplant the courts because the courts were inefficient. What I intended to say was, that the organization, as I understood it, grew out of apprehensions of rapine and violence from negroes and partisan opponents, and that the motive in the organization of the thing was one of self-protection and for the punishment, probably as a consequence of that organization, of those who should be guilty of these offenses.

Question. Then it was not alleged at that time that the courts were inefficient, was it?

Answer. I cannot say whether it was alleged or not. I believe they were inefficient.

Question. At what time?

Answer. Well, two or three years after the war.

Question. Who was your circuit judge here then?

Answer. William J. Harolson.

Question. Appointed by whom after the war?

Answer. I think he was elected after the war.

Question. Not after the reconstruction acts?

Answer. O, no; I think he was appointed by Governor Parsons—that is my recollection—and afterward elected.

Question. Was Judge Harolson judge here before the war?

Answer. I think so. I was not here, but this is my recollection or information.

Question. Is he not regarded as an able and efficient judge?

Answer. Well, I should prefer the opinions of persons who have a much wider practice before him than I.

Question. Is he not spoken of as a man of great respectability?

Answer. I think he is a kind-hearted, amiable gentleman.

Question. Appointed by a democratic governor?

Answer. I think he was.

Question. Afterward elected in 1868?

Answer. Yes, sir; under the organic act of Congress.

Question. Who was your county judge at that time?

Answer. Judge James H. Scruggs, I think.

Question. He was the predecessor of the present incumbent?

Answer. Yes, sir.

Question. Was there any distrust as to his court executing the law?

Answer. I think not.

Question. He is a democrat in politics, is he not?

Answer. Yes, sir; he is a democrat in politics. I think there was no especial distrust as to executing the laws, if the offenses were brought before him and the communities bestirred themselves in efforts to apprehend those who had banded. I do not know what the general sentiment was in regard to Scruggs's court. It was only a court of limited jurisdiction and cut very little figure in criminal affairs, and I do not suppose there was any discussion about it, or very little.

Question. At what time was this congressional convention of which you were a member held?

Answer. I think it was in May or June, 1870. It was held a few months preceding the last election in this State?

Question. You were a delegate from this county?

Answer. Yes, sir.

Question. Did you ever hear it suggested that the reason your name was not brought forward was because you were a member of the Federal Army?

Answer. No, sir; I never did. I was so indifferent as to suggestions affecting my nomination that I do not suppose that I would have remembered if I had heard it, for I was utterly indifferent as to the consequences of it, and repeatedly stated so.

By Mr. BECK:

Question. As to this riotous demonstration that occurred at the time or some time preceding the last November election, were any of the shots fired during that demonstration by the Ku-Klux?

Answer. I do not think there was a shot fired or a demonstration made by the disguised men.

Question. Did they pass away from the court-house square before that shooting took place?

Answer. That is my understanding of it, and, I think, I came on the square immediately after that; I was there before—it was stated to me that they had gotten one block from the square—a shot was fired, and then it was alleged that a shot was fired down the street that they passed out on, down the street by which they left the square; I did not see this; I so understood it.

Question. It was not understood by anybody that they took any part in the shooting?

Answer. O, no, sir; they did nothing.

Question. You speak of the large majority being fired by persons who came out of the court-house. Did you mean by persons who had been in the audience listening to the speaking?

Answer. I do not know where they had been; I saw a large number of persons in the court-yard, principally negroes, and I saw a negro who was killed, which I omitted to state in my direct examination—a negro who was killed on the opposite side of the square by a shot from the court-yard; I saw him within five minutes after he died; they took him up stairs; I saw him there dead; a man was shot through the head; I saw the marks of a number of shots—how many I do not remember now—that struck in the wall from the court-house; I saw these shot-marks.

Question. They must have come from the court-house?

Answer. Yes, sir; the impression showed that on the wall; and there is no doubt that all the citizens cognizant of this matter agree about the majority or nearly all of the shots coming from the court-house yard.

Question. Was it believed that Judge ——— what was his name?

Answer. Judge Thurlow, judge of the probate court of Limestone County.

Question. That he was killed by a shot from the court-house yard?

Answer. Yes, sir; that was stated to me the night that he was killed—accidentally; I afterwards heard it stated that it was surmised that he was killed by a white man in the court-house yard; the man's name I never heard any one attempt to tell; it was a bright moon-light night and persons could be seen distinctly across the square; I could see very readily the general relations of the parties.

Question. I will repeat the question put to you by Mr. Buckley. What act, if any, did you ever hear of Mr. Lakin committing that was derogatory to his character as a Christian minister or gentleman? Do you recollect of hearing anything connected with a transaction here in this town in regard to a lot of butter improperly seized by him?

Answer. No, sir.

Question. Do you recollect of an indictment pending against him in one of the courts here?

Answer. I am not aware of it.

Question. What court of yours was that abolished?

Answer. The county court, organized by an act of the legislature with a large juris-

diction, and providing for the election or appointment of a new judge, which was afterwards abolished.

Question. Had that court criminal jurisdiction?

Answer. It had.

Question. Did you know that there was an indictment for perjury or some other offense of that character then pending against Mr. Lakin, and that the court was abolished without authority to remove criminal cases therein pending?

Answer. I know that the court was abolished without authorizing the transfer of the docket to any other jurisdiction, but the fact of Lakin's indictment I did not know anything of. If I heard it I have forgotten it.

Question. Do you recollect seeing an article from the Patterson, New Jersey, Guardian, charging him with seduction, rape, and almost all sorts of vile offenses?

Answer. I saw an article copied in one of the Huntsville papers, the Democrat, I think, in which it was alleged that he, after leading a very dissolute and erratic life as a lumberman, had attended a Methodist revival and became converted to the Christian faith, joined the Methodist Church and became an exhorter, and from that, I think, was licensed to preach; that he was thrown into the society of a member of the church who had three daughters; that he was stopping at their house enjoying the hospitality of this man, and that the old gentleman and his wife were called away, and these young ladies were left, with many admonitions, with Mr. Lakin, and he remained there until the old folks' return; and in the due course of time these three young ladies were found to be pregnant, and that they charged Mr. Lakin with being their seducer. I afterwards heard it stated that he had seduced a young lady who was his niece.

Question. Was not that afterwards, in Peru, Illinois?

Answer. I heard it so alleged. I do not know anything about it.

Question. Was not the first article from the Paterson, New Jersey, Guardian?

Answer. I think so; copied into the Huntsville paper. I am quite certain it was in the Paterson, New Jersey, paper.

Question. Do you know whether the fact in reference to the seduction of his niece in Peru, Illinois, has been traced by Mr. Van Valkenburg, and is now known to be true?

Answer. I did hear it said that it was true. I think I heard it stated by Colonel Van Valkenburg.

Question. Were not these statements about him made in the community believed by a great many people?

Answer. Yes, sir; the statements in regard to his immoral conduct were and are believed by a great many people, and the statements in regard to his alleged political course were, I think, generally conceded. I do not think there is any denial of it. If there is any, I am not aware of it. I do not remember to have interrogated any republican on the subject. I have heard one allege it with a great deal of confidence—Mr. Lowe.

Question. The gentleman whose name you give is a lawyer in this town?

Answer. Yes, sir.

Question. Do you recollect hearing him say anything about an indictment against Mr. Lakin in this court that was abolished?

Answer. No, sir; I do not.

Question. Do you recollect whether the provisions of that law abolishing the court not only failed to allow a transfer of cases then pending, but also provided that men who had been previously indicted should not be re-indicted?

Answer. I do not remember that feature of the law. It may be true.

Question. And that he escaped under that?

Answer. That may be true.

Question. Where is he now?

Answer. He is away from here; I do not know where. I do not think it is known here, generally, where he is. It was ascertained here after he had given his testimony to his treatment here, and it was a popular belief, that he gave it as a farewell kick at this people, and did not intend to return.

Question. So it is, he has not returned, so far as you know?

Answer. He has not.

Question. You were asked by the chairman a good deal about northern men and their treatment. I will ask you whether or not a good deal of distrust did not arise in the minds of the people of Alabama in regard to the reception of these northern men by the fact that large numbers of them known as carpet-baggers came here about the time the State was reorganized or just before, and immediately obtained the most lucrative offices in the State. Is not that true?

Answer. I cannot say in regard to the time of their coming here. I think the bulk of them were men who were left here by the Army. I think the majority of the offices in the State were held by these men; and I think it was a motive with many in both their geographical and political status. I think they remained for that purpose—a large number of them.

Question. Did not that fact make the people of the State look with suspicion more than they otherwise would upon men whom they feared came for that purpose?

Answer. Most undoubtedly it put the people of this country upon their inquiry as to the class of men who were coming around them, and very justly so, I think.

Question. Do you not know that Mr. Warner, the Senator from Alabama, was elected to the senate from this State within six weeks after his term of office in Ohio had expired?

Answer. That is my understanding of it, and the general understanding; after about six weeks from the change of his domicile, or before the change of that, and after the change of mere residence.

Question. Did cases of that sort create a great deal of feeling and prejudice, that men should seize the highest offices in the State who were lately domiciled?

Answer. I think the people exercise the feeling common to all men, that would have been exercised in any northern community, of much more vigilance toward men coming into an adopted country and occupying places of trust and honor, whether they were good men or not. I think there was a general feeling of uneasiness and distrust, in some cases that amounted to personal animosity, in others, personal aversion; and I think it was undoubtedly true, as I think every northern man in this State will testify, that there was a general feeling of aversion and animosity, according to the character of the men toward whom the sentiment was directed, for holding in a conquered country, by imposition of the strong hand of the conqueror, the high places of profit in the administration of the local laws. I think that was the local sentiment among the intelligent and educated men who control sentiment. That was the opinion. I think the bulk of northern men in this State, of every political sentiment, will agree with me in that statement. I state that feeling as a mere fact that I have observed.

Question. Is it not true that very many agents of the Bureau, by means of their influence over the colored population, had themselves placed in positions that the people, if all black and white had been free to select, would not have intrusted them with?

Answer. I think so. I think that the member of Congress from this district, General John B. Callis, who was an agent of the Freedmen's Bureau, secured the influence and political hold that enabled him to be elected to that position by means of using his Freedmen's Bureau agency to secure it. The natural feeling of the community consequent upon an act of that character resulted. I think that is part of the political history of this community.

Question. In that connection, and as to that same gentleman, is it not further true that Colonel John B. Callis, after he had secured an election to Congress, in 1868, at the time democrats did not vote, as you remember——

Answer. Yes, sir.

Question. After Congress refused to admit Alabama, left the State and went with his regiment to Mississippi, and was in command of his regiment, at Jackson, Mississippi, when Congress put Alabama in, and he left his regiment and went to Congress, and took his seat from Alabama? Do you recollect that fact?

Answer. I think that General Callis was away from here, subject to military orders, but where he was I do not remember. I remember that General Burke, of whom I have testified before, who was his rival for the position in Congress, had him ordered away from here for some sort of political misconduct or subterfuge he was indulging in in his position in the Bureau. General Burke was recognized as a republican. I remember there was a repetition of the order—perhaps peremptorily. General Thomas, I think, ordered him away.

Question. After his election?

Answer. I am not certain. It was about that time, but whether after or not, I cannot say. I remember it in connection only with the fact that General Burke was his rival in that congressional race. I cannot say whether it was before or after his election.

Question. Do you recollect that, after Alabama applied for admission by virtue of the vote in February, Congress at first refused to admit her, but afterward you were admitted in June, under what was called the omnibus bill?

Answer. Yes, sir. I do not remember the dates.

Question. During the interval after the election in February, and before the admission of Alabama, was not General Callis away from here?

Answer. I do not know. I think he was. I have very little doubt on that subject. Callis was away, and I think he was away under military orders. He was still an officer of the Federal Army.

Question. Had he not domiciled in this State at all?

Answer. I do not think he ever was a citizen of this State.

Question. Yet he got one of the highest positions?

Answer. I do not think he ever claimed it.

Question. His own testimony before Congress was that he was in General Gillem's army when the news came that Alabama was admitted, and came and took his seat, and took his pay; but the general fact of the large number of men coming and seizing the offices did create a prejudice, and made men suspicious of all who came?

Answer. Yes, sir; I have no doubt of that whatever. I think it created the same effect here that it would in any Northern State, except that it was less violent in its character among the southern people than it would have been among the stubborn races of the North, if they had been conquered and subjected to the same task. I have no doubt of it. I think it would have been borne with much less patience there, whether right or wrong, than it was borne here.

Question. Is it or not true that after a northern man comes here, and it is known that he is going to cast his fortunes with these people and take his chances with them, that he is well received?

Answer. I think so, sir. I have found no trouble myself. I have made it a rule of my life to seek no favors of communities, and ask for no social civilities of the world, and I have had every courtesy extended to me that I desired in any country. I can speak for myself and others I have seen. I think the rule prevails as a general thing. While I seldom accept of kindnesses of people, I think it is generally offered.

Question. Your general information is that a Ku-Klux organization, so called, did exist here up to and about the summer of 1868?

Answer. I share the popular belief that there was such an organization.

Question. Was it or not true that up to the time of the admission of the State under the constitution to which I have referred, in June, 1868, you had been almost without civil government for a year or two, and under military rule?

Answer. The condition of the country, so far as the administration of either criminal or civil law was concerned, was exceedingly lax.

Question. Men seldom thought of redressing grievances by appealing to the courts, or collecting their debts by the judgment of a court?

Answer. I think that was the general feeling.

Question. You had no organization of the State government until June, 1868, had you?

Answer. None except the provisional or military.

Question. You had no organized civil State government; you were under military control?

Answer. None, except the provisional government.

By Mr. BUCKLEY:

Question. Was Governor Patton appointed governor?

Answer. Yes, sir. I made that exception.

Question. Was not this indisposition to go into the courts under his administration?

Answer. Yes, sir; generally it was from the lassitude and exhaustion of the war.

By Mr. BECK:

Question. I want the condition of the country. You were under military rule; your governor appointed by the President, and your military officers were officers of the Army, and your people did not elect anybody?

Answer. No, sir. There was no expression of the public voice.

By Mr. BUCKLEY:

Question. Was not Governor Patton elected by the people of this State governor in the fall of 1868, and did he not hold his office for over two years—up to the 25th of July, 1868—a man that lives immediately in an adjoining county to you?

Answer. I am not certain about it—that this is the fact. It is a matter of history.

Question. That is the fact; a democratic governor at that.

Answer. I am not fresh on that.

By Mr. BECK:

Question. Did not the act of Congress of March 3, 1867, known as the first reconstruction act, and its amendment of March 9, 1867, and amendment of July, 1867, provide that all your civil governments should be merely provisional, and that the military commanders should take charge of you until you were reconstructed?

Answer. I believe that is the law.

Question. And under those acts of Congress you remained until your constitution, and that was declared adopted in June, 1868?

Answer. June, 1868.

Question. They voted on it in March or February?

Answer. Yes, sir.

Question. Declared adopted in a way that gave dissatisfaction?

Answer. Yes, sir; they not only thought, but I understood they had the direct allegation or protest of General Terry, then commanding the department, declaring that the people had not adopted that government, and that that provision requiring at least one-half of the registered vote to be cast had not been complied with; they had not been cast—that the democratic party had defeated it by staying away from the polls, demonstrating that they could have defeated it if they had gone about it, which made his position doubly strong. The records, I believe, show that General Terry entered

an affirmative protest, or assertion at least, to the effect that it had not been adopted under the congressional law. Therefore, the people, after abstaining from voting, and allowing, under the provisions of that act, the republicans not only to adopt the constitution by the act of Congress, but to put in office these men they had voted for when the people could have defeated them, felt that they were the subjects of usurpation; that they had been the subjects of congressional government, and they had no government of their own.

Question. They felt that they were under Congress and not under their own volition?

Answer. Yes, sir; that was the general feeling.

Question. During this four years, before your courts were organized, and about the time they were organized, under that form, was about the time the Ku-Klux were called into existence here?

Answer. Yes, sir; that is my understanding.

Question. Is it your understanding, further, that later in 1868, after the government got into operation in a civil form fairly, those organizations were disbanded?

Answer. Yes, sir; that is my understanding from the popular belief, but I have no personal means of information. I have heard it alleged by a resident of East Tennessee, a man of some intelligence and apparent truth, that he was cognizant of the first organization of that order in that country, and he stated, or professed to state, the circumstances under which the organization, in its incipiency, grew.

Question. What were the circumstances, as you understood them?

Answer. He stated he had been a confederate soldier and lived in East Tennessee; that on the return of the Federal and confederate soldiers to their homes in East Tennessee there was a very bitter feeling, of a local, internecine character, growing up between them, and resulting, in many cases, in violence; that the Federal soldiers far outnumbered the confederates, and had, with much violence, run them off and whipped them, and shot them, as was also alleged in other places—some portions of Kentucky, in a part of Missouri, and portions of these States, (by the way, some of the men of my old command were sent away)—and that the organization of the Union League suggested to their opponents to organize a secret club of their own for the purpose of self-defense; that the style and name of the organization was taken from a social or civic organization which was started at Pulaski, Tennessee, about which I have no doubt, for I recollect of hearing, as I came on the train—I think it was in 1866, as near as I can remember—from Nashville, a young man there describing the first appearance of this organization. That was the first I ever heard of it. Its object was civic and charitable, and related, in some of its features, to an amusement. This individual, my relator from East Tennessee, stated that the organization in its form and name was taken from this other organization in Pulaski. Whether there is any truth in it I do not know, but I heard it with considerable curiosity, and it appeared plausible and natural that it should have grown up in that way.

Question. Whatever its origin, was it not the fact that, at the time when the civil governments were in a demoralized condition, when the negro element was thrown forward for the first time, mostly ignorant, and being used by such men as Colonel Callis, and others, for political purposes, there were cases of murders, rapes, arsons, and other like things being perpetrated in such a way that the civil courts could not reach them, and men were afraid, or pretended to be afraid?

Answer. There was a general sense of insecurity here, and a feeling that that portion of the community which had been anti-federal, or confederate in its sentiments, was under a ban, and I have no doubt that this organization grew out of the traditions and associations of those men indulging in a common sympathy, and feeling a common sense of danger. I think that was the cause of it, judging from ordinary human motives.

Question. You think it was disbanded about 1868 in this State?

Answer. I think so.

Question. Is it your judgment that bands of bad men committing depredations since used these disguises simply to protect themselves in committing these outrages?

Answer. I am as certain as I am of any fact of which I have no positive knowledge, as certain as any decided opinion can make a man, that that is the fact. I think that the opinion I utter is shared by a very large majority of the law-abiding and orderly men.

Question. Public sentiment is against these lawless marauders now, by whatever names they call themselves?

Answer. I think so. The editor of the Huntsville Democrat, Mr. Clay, has always denounced them since their organization. I do not think he has ever referred to it except in terms of condemnation and disapprobation. I think uniformly so. I have been interrogated as to the fact whether his paper was not a leading democratic organ at present. He has always been a leading democrat in the country, and, I believe, was an original secessionist, and is opposed to the "new departure." He has uniformly opposed that organization.

Question. Of course you have bad men among you like all other people?

Answer. Yes, sir; many of them. They are many who are poor and dissolute and

irresponsible, and in communities they have organized together, I have no doubt, in a sort of voluntary local association for purposes of theft, and to gratify their personal animosities. I think that is true.

Question. You think they have done so, using this garb or disguise as a means of concealment?

Answer. I have no doubt of it.

Question. By the way, speaking of this thing, our distinguished Senator has asked you about violences and offenses. Do you remember the band of men operating in the riots that occurred at Seymour and New Albany, Indiana?

Answer. I remember the newspaper reports of them.

Question. Were they about as bad as those around here?

Answer. They were very much of the same character; the result of lawlessness.

Question. You never thought of charging the good people of Indiana with that as a part of a system?

Answer. No, sir; I think it would be unjust to make it the basis of an opinion or a political act.

Question. A word about this church property. Do you know enough about the Methodist Church in its divisions to know whether or not this portion of the country was given up in a voluntary split to the Methodist Church South?

Answer. In the division in the war?

Question. No; before the war.

Answer. O, yes, sir; that is a matter of history. This was embraced in the territory of the Methodist Episcopal Church South.

Question. Were the churches and property owned by the Methodist Church after the war, up to the visit of Mr. Lakin, owned generally by the Methodist Church South?

Answer. I think they were altogether, for there was no Methodist Church North here.

Question. Was the object of Mr. Lakin to get a majority of the congregation to detach themselves from the church South, and attach themselves to the church North, thereby putting themselves under the jurisdiction of the Northern Methodist Church?

Answer. My understanding is that the purpose was either to detach or create organizations for the purpose of uniting them with the northern church.

Question. And placing them under the jurisdiction of the nothern church?

Answer. Yes, sir.

Question. So far as he could detach congregations, do you know whether it was the purpose to carry the property along with them?

Answer. I have an indistinct recollection of hearing something of the sort said about some effort to secure the property control of a church. I do not know what it was; I have heard many things of the kind asserted about getting control of church property. I believe suits have grown out of that.

Question. In Virginia?

Answer. Yes, sir; and in Mississippi there was a case, but the circumstances of this case I do not now recall, and I could not designate with accuracy. I have a general recollection of an effort made to get the property control of a church, but what church I do not remember now; it may have been in the line of his duty.

Question. The persons who belonged to the Methodist Church South, and by the original voluntary division still owning the property, of course, strongly objected to removing their church property to the jurisdiction of another church?

Answer. I presume so; that was the general fact, I believe. There was a feeling growing out of that, and I know the animosity between the two churches was quite bitter; there was a good deal of feeling about it, but it was a matter in which I was not interested, and I gave it no attention, and can testify with no directness or accuracy.

By the CHAIRMAN:

Question. You spoke of the order of the commandant of this post to fire at men caught with their disguises on. Do you recollect when that order was promulgated?

Answer. No, sir; I have a recollection of hearing of an order to that effect; I never saw it; but whether that order directed them to fire without challenge, or attempt to arrest or not, I do not know.

Question. A point now upon which I wish to make inquiry is, whether that order had, in your opinion, any effect in repressing these organizations of armed disguised men?

Answer. I do not think the order was issued until after the entry of this Klan into town, but I should presume that it would have that effect; whether it did or not I cannot say.

Question. Which entry of the disguised men in this town do you mean; in the summer or fall?

Answer. The one that occurred on the night of the riot.

Question. In the fall of 1868?

Answer. Yes, sir.

Question. It is your conviction that that order did have that effect to repress these practices of men banding together and disguising themselves?

Answer. I have stated that that would be the natural effect, and it probably did. I would state that within or about the time—though I am not positive as to the dates—the soldiers did arrest three men, either in town or out of it somewhere, and confined them in the jail. There was no shooting done and the men disappeared; I do not know where they went to.

Question. You have expressed the opinion, Mr. Day, that this Ku-Klux Klan, in its original organization, embraced the poor, dissolute, and irresponsible men in the community. Do I understand you correctly?

Answer. No, sir; you do not.

Question. And that they were for the purposes of theft, &c.?

Answer. No, sir; I do not wish to be understood in that way.

Question. Please correct my misunderstanding.

Answer. I have stated that bands of disguised persons, whenever now seen in the country, I believe to be men who are poor, dissolute, and irresponsible, and that their organization finds its only power of cohesion in a disposition to steal and to gratify personal malice.

Question. Upon what facts within your knowledge does this opinion rest?

Answer. It rests upon the only case I have seen in which these men have indulged in violence, and upon my general belief, and that general belief which is shared with the good men of the country, many of whom I believe to have been associated with the original organization, but who left that organization and now frown upon it and condemn it.

Question. How do you know who left that organization; I understood you to say this forenoon that you never heard a man admit that he was a member?

Answer. I did.

Question. How do you know who left it?

Answer. I do not know.

Question. How do you know whether the original organization embraced good or bad men?

Answer. I do not know it.

Question. How do you know it did not exist for the purpose of plunder?

Answer. I do not know it and have not asserted it. I have said this, and I now repeat it, although I think I have been very explicit and clear on that point, and I cannot conceive how I could be misunderstood, that I have shared and entertained only what I consider the popular and general belief in regard to the constituents, purposes, and fate of that organization; that I draw my inference from a general belief, and from the expression of concurrence or non-concurrence that I hear from the good men of the country, as to its existence or non-existence and purposes.

Question. Did you ever hear that that organization, among other objects, sought to influence the results of elections?

Answer. Yes, sir.

Question. Did you believe that to be true which was imputed to that order?

Answer. No, sir; I did not believe it was organized for that purpose, but I think that organization in existence anywhere would have that effect; but I believe, and my recollection is, that there were no elections taking place when that organization commenced, and the possibility or probability of them was, perhaps, indefinite and uncertain.

Question. Is it your opinion that this Ku-Klux Klan ever scourged or otherwise maltreated Union men because of their opinion or for the purpose of deterring them from voting in accordance with their opinions?

Answer. I think, probably, that that may have been the case, for partisanship ran very high in this country, and it would be very probable that a body of men affiliating in secret, of a common political faith, would be sti mulated to the exercise of violence, under that state of facts, toward their opponents; but I have never known of a case of that sort.

Question. Did you ever hear of a case of that kind?

Answer. I have heard only the popular allegation contained in the newspapers; none that I recall now.

Question. I understood you to express rather an unfavorable opinion this forenoon as to the truth of newspaper articles.

Answer. I think I assigned my reason. I believe this a reason that is common to all men who rely upon a given amount of evidence to produce convictions on their minds.

Question. That leads me to inquire of you in reference to the article in the Patterson Guardian in reference to Mr. Lakin. Why did you credit that article, when you expressed a general disbelief of newspaper accounts?

Answer. If I might be informed of the fact that I did credit it, or had such an idea, I would give a direct answer.

Question. Do you say you did not credit it?

Answer. I would make the same answer I made to the interrogatories touching my belief as to the general current of newspaper reports of a partisan character. I think

I neither attached credit nor discredit. I heard it as a general allegation against Mr. Lakin. I have never seen it denied, and know nothing more of it than I saw in that statement.

Question. Did you ever read the original paper in which this article was said to have been published?

Answer. I think I saw the paper, but I do not think I read it. I think Mr. Clay took the paper out of his pocket, and was reading it to some one himself. I did not read the article.

Question. About when was that article published?

Answer. I think within four or five months past. That is my impression of it, though my memory of dates is inaccurate.

Question. Was it before Mr. Lakin gave his testimony, on the 13th of June last?

Answer. I think it was since; in fact, I am pretty clear upon that point.

Question. Do you know anything about the responsibility of the editor of that paper—the Patterson Guardian?

Answer. I do not.

Question. Do you know whether he is a man of truth?

Answer. I know nothing whatever of him.

Question. Did not the fact that Mr. Lakin had given testimony before the committee of investigation relating to the political condition of Alabama create a very strong sentiment against him in this community?

Answer. Yes, sir, it did; a most decided and emphatic one, and it was based upon the belief that Mr. Lakin knew he had misrepresented the population of which he spoke. That is undoubtedly the foundation of the decided feeling against him.

Question. That he had done injustice to the State, and he knew it?

Answer. Yes, sir; that is the general belief.

Question. When you speak of the general belief; do you mean that republicans shared that opinion?

Answer. I mean the general belief, as far as I am acquainted with it.

Question. Have you ever heard a republican, in this community or out of this community, express the opinion that Mr. Lakin, in whole or in detail, was not truthful?

Answer. Yes, sir.

Question. What republican?

Answer. Mr. Davis, a man that was a republican, and, I reckon, is yet—Nicholas Davis.

By Mr. BUCKLEY:

Question. Is he a republican now?

Answer. I reckon so; I do not know exactly. He has always been rather shaky.

By the CHAIRMAN:

Question. You say he is rather shaky?

Answer. I do not think he has much faith in the tenets of the creed.

Question. Did he vote with that party last fall?

Answer. I think so; I do not know.

Question. Is he trusted with the party now?

Answer. I doubt whether he ever was very extensively trusted by them.

Question. Do I understand that he had not the confidence of that party?

Answer. You may understand this: that they were, as he alleges, guilty of ill faith and excesses, utterly outside of the platform on which they professed to stand. My understanding is that he professes to stand on the platform and declines to defend the usurpations and violences of which he thought that party guilty through their congressional action, but he stands squarely on the republican platform as that party writes it out and asks the people to vote, leaving out of sight the inner springs of motive and action and the outer evidence of conduct. But he stood on the platform itself.

Question. And voted with the party?

Answer. On recollection, I am quite positive that he voted for Governor Smith last fall.

Question. How does he stand to-day?

Answer. Well, I have heard him within the last week give his opinion of the democratic party, and I think that a more zealous republican hearing that would indorse it and take him by the hand. In other words, he abused the party about as far as the English language would do it. I think, however, he favors the "new departure" idea.

Question. Then I understand you that he indorses the republican platform, but condemns the action of the party?

Answer. He condemns many of their acts, such as the congressional acts, local organization, and their action putting upon the people officers not elected. I think he is opposed to that; but I think Mr. Davis was the first of one, or two, or three men to organize a republican nucleus in this State.

Question. I ask whether he is now, at heart, in co-operation with the republican party?

Answer. I do not think he is in hearty co-operation with that party. That is my belief. I think his opinion is that there are many rascals in control that he cannot affiliate with; in fact he so expressed himself. I desire to quote as nearly as I can his idea.

Question. Besides Mr. Davis, what other republican have you heard express an opinion against Mr. Lakin?

Answer. I do not think any one. I do not remember any one.

Question. Have you heard any republican say that his statement was not true?

Answer. I do not remember any republican. If I have, it has escaped my mind.

Question. Then, if I understand you correctly, with the exception of Mr. Davis, the unfavorable opinion of Mr. Lakin as a man of character and truth is confined wholly to the democratic party?

Answer. With the exception I make, as far as my knowledge goes, it is. In fact I believe there are very few white members of the republican party in this county. Their numbers are quite limited. I think that if they united upon the expression of an opinion it would hardly create a public sentiment.

Question. Did I not understand you to say awhile ago that one hundred and fifty men had settled in this vicinity and that the majority of them voted the republican ticket?

Answer. I have forgotten the number I assigned. It was along between one hundred and one hundred and fifty, and it is my belief that the majority of them vote with the republican party.

Question. Of the old resident white population, what proportion vote the republican ticket?

Answer. I have forgotten the white voting population of this county. I think the aggregate vote now is in the neighborhood of five thousand, or a very little under it, and I should think as a mere matter of opinion—it may be inaccurate, however—that there might be from fifty to seventy and perhaps one hundred white men republicans. My best belief is, though, that that is an overestimate, but I may be inaccurate. I merely state my impression.

Question. Did I understand you to say that Mr. Van Valkenburg located the residence of Mr. Lakin at Peru, Illinois, and that it was there that he became acquainted with his character?

Answer. No; I did not intend to say that, and I do not think I did. If that inference is in there, it comes from the connection of the answer with the question. What I understood Mr. Van Valkenburg to say was this: after the allegation of his seduction of his niece by some one in the party where Mr. Van Valkenburg was, he stated that he had the information from there—it was from Indiana, and it was so, or all right. I do not remember his words, but his statement was affirmative in its character, and I took it that he referred to this alleged seduction; but whether it was at Peru, Illinois, or Peru, Indiana, I do not know. My opinion, or rather my supposition, was that it was Peru, Indiana, if there was such a place, because I lived within eighteen or twenty miles of Peru, Illinois, and never heard of Lakin.

The CHAIRMAN. I live within eighteen miles of Peru, Indiana, and have heard of Mr. Lakin.

Question. Is Mr. Van Valkenburg a very strong, decided democrat?

Answer. Yes, sir.

Question. He came from Peru, Indiana?

Answer. I do not know; I believe so.

Question. Have you ever heard him speak in very bitter terms of the administration?

Answer. No, sir; I do not remember that I ever heard him speak of the administration at all; I do not remember that I ever had a personal political conversation with Colonel Van Valkenburg; I have heard him speaking of political matters.

Question. Was he an officer of the Union Army?

Answer. I understood so.

Question. What was his rank?

Answer. A colonel of infantry.

Question. Did you ever hear that he was dismissed from the service?

Answer. Yes, sir; I saw the allegations against him, and also his vindication, in letters from, I think, nearly every officer of the army of the Potomac, embracing a large number of them.

Question. Do you recollect what the cause of his dismissal was?

Answer. My recollection is that it was alleged defection to the Federal cause, as it then stood; I think he was opposed to negro emancipation; that is my recollection of the allegation—a defection of that character; and I saw a long list of letters written to him by officers of the army of the Potomac that were highly commendatory of his character as an officer, and a most triumphant and circumstantial vindication of his character generally.

Question. I am not bringing his character into question at all. I simply alluded to

the fact to ascertain whether it has intensified his bitterness against the republican party.

Answer. I am unable to say, sir. You inquire of a fact, and I state all I know of it.

Question. Has Mr. Lakin's family removed from here?

Answer. I do not know, sir. My impression is that he has a married daughter, the wife of Mr. Rains.

Question. Do I understand you to express the deliberate opinion that the people of the South possess the virtue of patience under grievances in a higher degree than the people of the North?

Answer. I think this: that there is more stubbornness and tenacity and persistence in the character of the northern population than there is in that of the southern population. I do not know that patience or impatience would necessarily enter into it when it was a mere matter of power and resistance. I state it from that stand-point.

Question. Did you ever hear it alleged that these hideous disguises adopted by the Ku-Klux Klan were assumed for the purpose of operating upon the superstitious fears of the negroes?

Answer. Yes, sir; I think I have.

Question. Is it your opinion that they were adopted for that purpose?

Answer. Well, I do not know. It would have that effect, I think. Whether that was the governing purpose in assuming them, or not, I cannot say, but I believe the first organization of which I spoke, and which, I have no doubt, was the first organization which was called Ku-Klux, adopted that garb, but I do not think it had any reference to negroes at that time.

Question. I understood you to say in answer to a question put by Mr. Beck that this organization sprang up when the negro was first thrown forward in political matters; am I correct?

Answer. I do not remember of saying so.

Question. You made some response as to when the negro element was first thrown forward, in answer to a question put by Mr. Beck. Do you recollect your statement?

Answer. I think it was organized about that time, and perhaps a little before. I believe it was organized before the negro element was thrown forward in a political sense, and I have recited what I think is true in regard to the defensive or proper character of the organization in its incipiency. I do not know that I connected it with the negro element.

Question. You have spoken of General Warner, a late Senator from this State. I ask you to state whether you know or have heard anything derogatory to the character of General Warner for competency and fidelity in the position which he held?

Answer. Do you refer to his personal characteristics for honesty and humanity, or his political character?

Question. I will have the inquiry relate to his personal as well as his public character.

Answer. I recollect of nothing that I ever heard alleged against Warner's personal character; I do not remember anything.

Question. Was he not eminently faithful to the interests of Alabama while he was in Congress?

Answer. I know of nothing that he ever did to injure the State—to injure it from his stand-point—nothing that involved any turpitude, and I do not remember anything special that he ever did for it. I never watched his course with any solicitude or interest. I did not know him personally. I regarded him as a clever gentleman.

Question. How long had he resided in point of fact in the State of Alabama before his election?

Answer. When was the election? I have forgotten the date.

Mr. BUCKLEY. July, 1868.

The WITNESS. I do not know how long Warner had resided here. I saw him at Montgomery in the winter of 1866. He was then just arrived from Ohio, and was talking of buying a plantation. How far he became a resident or became domiciled in the State at that time I do not know.

By Mr. BUCKLEY:

Question. Is it not a fact that he had made one crop of cotton at that time?

Answer. I do not know. I have very little information about him myself.

Question. What time did Mr. Lakin come here, to this State, to the best of your recollection?

Answer. I am not certain about it. My impression is that I first saw him here some time perhaps in the latter part of 1867. I may be wrong; I have no data from which I could determine the fact.

Question. Do you know at what time he was indicted, if indicted at all, in the court of which you have spoken?

Answer. I have no knowledge whatever of the indictment; if I have heard of it I have forgotten it; but I have no recollection of having heard it.

Question. To what court had you reference at the time in speaking of the abolition of a court?

Answer. I referred to the newly created city court with enlarged criminal jurisdiction.

Question. That was abolished at what time?

Answer. I have forgotten the date; it was nearly two years ago, I think.

Question. I hold in my hand the acts of the Alabama legislature for 1868. Here is "An act to repeal an act to establish the city court of Huntsville, approved August 5, 1868." Is this the act you had reference to?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Is that the act you referred to as abolishing your civil court?

Answer. I think it is; the court was created here and held perhaps two sessions and was abolished.

By Mr. BUCKLEY:

Question. It was created, then, under the administration of Governor Patton?

Answer. I think, perhaps, it was the legislature succeeding Governor Patton.

Question. But it was abolished by the succeeding legislature?

Answer. Yes, sir; it was abolished by the same legislature that created it, I think.

By Mr. BECK:

Question. The act approved August 5, 1868, repealed an act of January 26, 1867, to establish a city court of Huntsville?

Answer. What is the interim of time?

Question. From January, 1867, to the 5th of August, 1868.

Answer. Then it was not exceeding three terms; I could easily inform myself on that subject.

By Mr. BUCKLEY:

Question. I notice on page 434, in the testimony given by Mr. Dox before the committee, that he refers to several republicans, naming you among the rest. In that, I suppose, he was mistaken, was he not?

Answer. What was the date of his statement?

Question. It was given July 11, 1871.

Answer. Mr. Dox was mistaken in assigning my political affiliation to the republican party.

Question. I will read you his statement. Referring to Mr. Lakin, he says: "There are others who know him a great deal better than I do—men of his own party, men who vote as he votes. I can name them, and you may cite them if you choose. I would name Mr. James Ware, Mr. Figures, editor of the Huntsville Advocate, Mr. John Reed, Mr. Day."

By the CHAIRMAN:

Question. Is there any other gentleman of your name here that he could have referred to?

Answer. No, sir; not that I am aware of.

The following is the record of the evidence in the trial of Holseapple, Lindsay, and Malone, before United States Commissioner Day, at Huntsville, Alabama, September 1, 1871, referred to in the testimony of Lionel W. Day, page 590.

UNITED STATES
vs.
HOLSEAPPLE, LINDSAY, MALONE. } Trial September 1, 1871.

WM. HENDERSON:

Question. What is your name?

Answer. William Henderson.

Question. Where do you live?

Answer. With C. Goodloe.

Question. In what county?

Answer. Colbert County.

Question. How long have you been living there?

Answer. Moved there two weeks after Christmas.

Question. Men came to your house disguised; how many?

Answer. On Tuesday night, the 15th day of August, I had been talking to Mr. Good-

loe until 11 o'clock at night, and then went to bed. Four men came to my room and woke me up and told me to strike a light. I shook Mack, my boy; woke him up instead of getting up myself. He got up and made a light, and they then told me to get up and put on my clothes; that they wanted me to go and show them where Cater Thompson was. I told them I did not know where he was and did not know him when I saw him. At that time I had a gun in the south corner of the house. One man was standing between me and the gun. I aimed to get at it and he shoved me back. Two of the men had pistols and two of them shot-guns, which they presented at me and told me to go out of the door; and as I turned around to go out of the door I saw Mr. Duce Lindsay, who put his hand on my shoulder; did not hurt me. I knew him by a veil on his hat being turned back over his hat from over his face. The veil came down over the face and the shoulders behind. Am well acquainted with him and knew it was him.

Question. How were they dressed?

Answer. They had on black overcoats and white trimmings around the tail, and a cape came down about half way and white trimming around it. All were dressed the same way. There was white trimming around the waist. Said they wanted me to go with him to William Milam's house, and I started out of the door. They then said they did not want to go there; that they wanted to go to the quarter. I went on with them until we got half of the way, when they turned and went out to the railroad due east. We went down against the quarter on the railroad and halted at a little crossing. Mr. Duce Lindsay, the same man that helped me all the way down by the shoulder, reached down and picked up a line at the end of the bridge. Another one I did not know picked up a bottle of whisky and then tied me, saying they were afraid that I would run away and not show them where the house was. After they (five along and four in the house) got me tied they wanted me to go to John Atkison's to see if Cater Thompson was there. When we got against the house they said that they did not want John Atkison; that they only wanted to take me on the other side of the river to keep me from appearing against them at court any more. Right there Mr. William Malone walked up and jabbed me with a shot-gun and asked me why I went to go to Tuscumbia to have them bound over to keep the peace. (Had William Malone and William Newsom bound over to keep the peace before Mr. Green, justice of the peace. Minnis admits it was under State authority.) Mr. Malone asked me then didn't Mr. Dean tell me to go to Tuscumbia? I replied "No," when he again jabbed me with his gun, and asked me again did he not tell me to go. To keep him from hurting me, I said "Yes, sir." He then asked me if Mr. Goodloe didn't. Mr. Dean never told me anything about it. Went on then until we got to the horses, hitched in the woods, half a mile. Was then tired; halted; had a little fire made up. The little switches they had with them had fire on the end, and Mr. Duce Lindsay stooped down, struck a match to the fire, and lit his pipe, and they passed the bottle of whisky around, and then I saw Mr. Malone's face, as he flung the veil from over his face as I was looking. They got the horses and put me on before them. They then came to the Newport and Cherokee road. Mr. Duce Lindsay mounted Mr. Holseapple's horse and took me up behind him, and Mr. Holseapple and William Malone went on to get a skiff by the time the others got there, and then there were only four horses; two doubled on the gray horse behind me, and I replied to Mr. Duce Lindsay—didn't call his name as I was afraid to let him know I knew him—"Please not to hurt me." He raised the veil from over his face, and commenced telling me what I had done to him, and how much I had cost him. A few steps after I dropped my hat in the trotting of the horse. Mr. William Malone and another a little behind, I did not know, stopped and got it; he galloped on by me with my hat in his hand. When I got to the river before Newport Door, there they halted and told me to get down, and was then tied with my hands behind me; same rope came down and was tied around my knees just so. I could not walk fast. One that I did not know helped me on the fence, and held me until I could get on the horse, after getting into Newport road, about seven or ten panels from the corner, and then one pushed me on the fence. I could use my feet enough to climb on them to please help me down; I could not; one of them marched up and dragged me the corner of the fence to get on the horse. Got to Newport and begged one of off the horse by the collar; do not know the one. Holseapple, who they called captain, said, "Follow me," and went down to the water and went up the river about one hundred and seventy-five yards, then they came to Mulberry Creek and there was a skiff; they bailed the water out of it and Holseapple went in first and called in Mr. Duce Lindsay; others I did not know were out guarding me and they ordered him to bring me in the bow of the skiff and I went in. They told me to sit down and told him to come and get by me next to them and turned the skiff out into the river and went up about one hundred yards. Says Mr. Holseapple, "This is up high enough; we will go across." Went across, as I thought, about half way. They were going to carry me across when they first put me in to keep from appearing in court. Mr. Holseapple says, "I want to learn you (we were about half way across) how to bring responsible white men up before court." Says I, "Gentlemen, please don't kill me; put me on the other side and I will leave the country."

Duce Lindsay says, "Yes, I want you to leave and go to Illinois where all your other nation is." Mr. Holseapple says, "Fling that damned nigger out of here; I am not going to carry him farther." I was then tied, and one man I did not know, that was sitting next to me, says, "Get out." I said, "I can't get out; please untie me." Holseapple says, "Fling him out, fling him out," and I was sitting with my feet in the boat my back foremost, as I was going across, and he put his feet right under my legs and keeled me over backwards; in that time he said, "Drown him or let him wade out; if he can wade out of here let him go." As I struck the water one was holding me under with the oar-paddle; I knew nothing then until my right hand became untied; it didn't come untied; I drew it out of the loop, and after so long a time I came to the top and got my wind a little and tried to swim and I sunk, and when I found myself again I had hold of a rock under the water; turned loose from the rock and tried to go to the top; was struggling or drowning, as I thought, all the time; as I tried to come to the top in the next struggle, my other hand came out; I came to the top then and commenced to swim; I looked at the mouth of the creek and saw them trying to fasten the skiff; I went on the bank; tried to swim without making any noise; during that time they left, and just as I got in water waist-deep I took a cramp in my hip, and I had then to get on one knee and my hands and crawl out; where I got out the water was only a foot deep, miry and muddy; I sat down and untied the string from around my legs, and then crawled clean out of the water on to firm ground; slided out; after I got out, was so full of water I could not walk; I laid down and happened to be across a root; I flung up water enough so I could walk a little; I went up the river about a quarter of a mile, laid over across a stump and flung right smart more of water; struck right out across to Widow Haley's farm, and I met one of John Otis's boys and another one, a young man, looked about grown; asked me what made me so wet; I said to him, "I started across the river and fell in;" I told him that because I was afraid these men would find out that I was out and get after me again, and I wanted to leave there; I went on then to Mr. Brown's and asked him if I might go across his field home, and a white man told me I could; I went right across the field home, and as I got to the barn, within two hundred yards of Mr. Goodloe's yard. I met Marion Matthews; he says, "What in the world makes you so wet and muddy?" Says I, "Please don't tell if I tell you; the Ku-Klux had me and I want to get away from here before they have me again." I did not want them to know but what I was drowned until I got away from the country; I go on then down to the yard, looked in his garden and saw Mr. Goodloe; the sun may have been half an hour high, and I motioned to him, as he told me that night to go for a doctor for his daughter, and he came pretty briskly to me, and says, "What in the world is the matter; had I been after the doctor as he told me?" I told him I had not; that the Ku-Klux came last night and took me away; and after a little bit he came back, and asked me what route they had carried me, and I told him as near as I could; I told him the route and what they done as far as they carried me from his house; next day morning he sent me down the river and told me to go where I came out at and get a powder-gourd he thought he lost down there; I staid in the neighborhood two days; staid at home until I took train; Friday did not get to train in time; laid at a neighbor's house for evening train and came down here to Huntsville.

Question. How do you know Holseapple?

Answer. I knew his voice at first, and after they got in the river in the skiff I saw his face. I knew his build.

Cross-examination:

On Tuesday, the 15th day of August, was at home all day, working. On Tuesday night they took me out; was not in Newport that day. The day after I got out of the river, in the morning, Wednesday, when I went down to see about trot-line. After I got out of river I kept concealed for two days. Saw John Oats; was not down there on Tuesday, but working at Goodloe's all day. Starlight night when I was taken out; don't know the time of night. Mr. Goodloe told me to get up in the morning and go for the doctor; went Wednesday morning to Dr. Cross; saw four men in the room; did not know them then; saw Mr. Duce Lindsay; swear it was him; had a cedar light in the fire-place; can swear that I recognized his features that night; and swear that he was in my house that night; recognized Mr. Malone when they took the drink; the match was lit, and lasted long enough to burn out; swear that it was Mr. Malone; I imagined it was Mr. Holseapple until we got to the river; did not have any light; I am certain it was him; I saw his face without a light, and recognized his features; had his hat on. River is about 800 or 900 yards wide. First taken out, they went west two miles, if not two and a half; walked that from my cabin to the horses; went due north half a mile; turned back east, and went three miles on to Newport. The first two miles were walked very slowly; next half a mile slow; turned east three miles; rode it; came to Newport. I told Goodloe that they carried me to the river; did not tell him the route they carried me. After I got in Newport road it was three miles. After we got in the road awhile, Mr. Malone and Mr. Holseapple went by me to get the skiff;

before they went after the skiff they picked up my hat; it was midway to the river; was in the boat when I saw Holseapple's face; did not know him before, only by his build and voice. Knew that day was breaking when they put me out in the river; sunk when I was thrown in; when I came up I seen nothing; the second time I saw them at the bank trying to fasten the skiff; done that while I was under water, near three miles from Mr. Goodloe's; near half an hour by the sun when I got there. Saw Mr. Malone's face at the fire, saw Duce Lindsay's face in the house, and Holseapple's just before they threw me out; saw one little fellow's face; did not know him; recognized Mr. Holseapple's horse and a gray horse, (I think belonged to Mr. Rankin,) a big bay, and roanish pony; could identify none but Mr. Holseapple's horse. First saw Marion Matthews about two hundred yards from Mr. Goodloe's gate; I said please don't tell, the Ku-Klux had me last night; I know I did not tell him that I would find out before night; I don't know whether I told him that or not; and from my feelings toward the three defendants before this transaction I thought there was peace between us when they were bound over. I did have a conversation with James Carter; I did not tell him that I would stump up something against them that would cost them $1,000 apiece. Did not say before William Matthews that if they were all my way of thinking that I would kill out all the whites and take their land. Had not got to the horses when he punched me with the gun; had not seen Malone's face when he punched me; knew him only by his walk and build; knew him, as he was the only large man in the crowd. Tied me with a plow-line; was tied with my hands behind me, and my legs were tied. In conversation on the road with Matthews and Carter I made no threats. Was not at Newport on Tuesday before I was put in the river. Went to the river only one time—the time I went after the powder-gourd; I went to see about the line. This was after I was put in the river. I made a crop with Mr. Malone; he took it all; when I tried to get it he threatened me. Had no suit with Holseapple; was a witness. Mr. Lindsay was one of the men who was going to help Mr. Malone.

his
WM. + HENDERSON.
mark.

Witness: JAMES M. EDGAR.

MARK HENDERSON: Uncle Henderson is my father; he is my mother's husband. I live with him. Some men came one night; been three weeks to-day, five men came. I was asleep when they came; they told Uncle Henderson to make up a light; Uncle Henderson woke me up, and I made up a light. Three of them came into the house and two stood in the door. Knew Holseapple; saw his face; had on a straw hat; am well acquainted with him; he did nothing. I started out of the door, and he told me to go back. They took William Henderson out of the house. I staid in Lewis's house the balance of the night; the houses adjoined. I saw William Henderson 8 o'clock the next day; went after Dr. Cross. William Henderson came after me; do not know what he wanted; I got back home before he saw me. I don't know where William Henderson was the day before the night they took him out.

Cross-examined:

Never told anybody what I would swear before I came here. Uncle Jim Carter asked me a while ago, but I did not tell him. Henderson told me this morning to tell nothing, only what I had seen and heard. Three men came in; Holseapple stood at the door; I saw his face; had a small piece of a veil over his face; I looked through the veil and saw his face; am certain only three men came in; did not look in the faces of the rest. Mr. Holseapple had on a straw hat; wore a little straw hat about there; he spoke to me, and I knew his voice; could see his features through the veil. No one in Lewis's house but himself and wife; I staid all night. Don't know where Henderson was the day before. I wasn't there.

his
MARK × HENDERSON.
mark.

Witness: JAMES M. EDGAR.

MARION MATTHEWS: Know William Henderson; has been living with Mr. Goodloe. Live on same place. Saw William Henderson the next morning after being put in the river, some time directly afterward. Sun up. He looked as if he had been running through the dew, was bare-headed, pants looked muddy. Did not ask him any questions until after he spoke to me. He stood a moment before he spoke. I said, "What the devil do you want?" He said, "Don't tell anybody that you saw me this morning." I told him, "I thought he had been on one of his big drunks." He told me the Ku-Klux had broken in his house and taken him out and threw him in the river. Don't recollect of seeing him on the evening after. I saw him in the morning. He went down near Mr. Goodloe's back gate. Saw him motion, then saw him in the yard talking. Shortly after he called me out of the house and wanted my horse to go to Dr. Cross. He then commenced talking about the Ku-Klux. He said he would find out by to-mor-

row evening who it was. Don't recollect of seeing him any more that day. Don't recollect whether it was the next day, I saw him knocking about home.

Cross-examination:

It was a little after sun up when I saw him the next morning. He said nothing more in conversation. He did not say he didn't know who done it. He only said he would find out by to-morrow evening. Saw him no more that day, but saw him a day or two after. From the first to the next conversation it was an hour and a half. I saw him in Goodloe's garden, Tuesday morning.

CALVIN GOODLOE: Lives in Colbert County, District Northern Alabama. I know a colored man named William Henderson that has lived at my house since February 10th, or about then. I saw him Tuesday night, about dusk, and saw him after 11 o'clock. The last time I saw him he was with me a half an hour. His house is forty steps from mine; his wife was hired to me as a cook two weeks before I discharged her. Tuesday morning he came to me and said his wife had come back. I told him to go on with her where she wanted to go. Told me his wife had gone to Cross's; about 10 or 11 o'clock he came and said he had changed his mind; he was sober that night when we parted. I heard nothing of a disturbance. I heard a noise or knocking at his house, and supposed he was picking up his wife's things. I saw him the next morning a little before sunrise. I saw him northwest of my house, near the gate. I was in the garden; as I came out of the garden he came in the gate and called me; said he had not been to the doctor's. He asked if I did not see the men that took him off. I told him if he had been taken off and drowned he could get evidence enough. I told him to keep himself secreted. I got on my horse and went to the river and saw some evidence of the tracks around the boat, and evidence where he had puked some peach-peelings and a good deal of water. Saw a great many tracks on the railroad. Saw some tracks at the gin-house, and went to the place that they put him on a horse, and found there had been three or four horses hitched there, and found evidence of his being put on a horse. The river is low and you can see 6 or 8 feet in it. I saw marks coming up the banks as if some one had been dragged; traces of persons' hands and the tracks of where some person had laid down; the signs were that he had thrown up a great deal of water. There was little dust on one of the rails. The top rail had been removed; there was a shoe track there; I noticed his appearance when he came to me that morning; he was very wet and looked badly, as if he had been on a big drunk. I noticed when I came back that he had been tied; there was a mark the one-third of a plow-line on his flesh of the left hand, and a mark on the right arm. I think he worked in my garden Tuesday. I saw him about 7.30 a. m. Tuesday. I saw him next about 7 o'clock same day; came to tell me he would go away. I was not at home on Tuesday, some men working at my house whom I do consider my family. I went to town on Thursday. When I went to the river on Wednesday I took my gun. I lost my gourd, and sent him to the river to see if he could find it; he could not find it; do not know whether he went to the river. Knew him since January 17; saw him before an acquaintance; do not know him to have had any difficulties. I know he went to a justice of the peace and asked him in regard to having a settlement between himself and Mr. Malone. I know of no difficulties he had with any one in his disposition. I consider him an ordinary man, and an obedient one. I consider his character as good as any nigger's.

Cross-examination:

I know nothing about his being put in a river only from what he told me. After I heard the knocking on Tuesday, and before I went to sleep the clock struck 2. Think that day would break at 4.30 a. m. He told me of the evidences of his route. Three-quarters of a mile from Newsome's well to the railroad; from my house to where the horses were was one and three-quarter miles or two miles; to the Newport road, between a half and one mile. The river at the place where I saw the boat was 800 yards wide; to the middle 400 yards. It would take a man to row a skiff from the middle of the river back to where I saw it, five minutes. Fresh tracks from Newsome's was going northeast. His character is good as the average of niggers of the country. Cannot say as to his general character, do not know it. From my house to the river, to travel the road he said he did, would be seven miles. Never saw him take a drink.

Colonel MINNIS:

Were any tracks barefooted?

I measured it at the river and found it the same track as his; from all I have heard speak of him his general character is good.

J. C. GOODLOE.

DEFENSE.

ROBERT LINDSAY: I am a brother of one of the defendants; no relation to the others. On the 15th day August I was at home; on the night of the 15th August I

was at Holseapple's mill; staid all night; Mr. Holseapple staid with me that night; slept together; I slept but very little; I was on a pallet; he told me some one was stealing his corn, and wanted me to go up and stay at his mill, and see if we could not catch the thief; went to bed about 10 o'clock, and slept together; it was a little before daybreak when we got up. Mr. Holseapple's mill was between five and six miles from Newport. Mr. H. could not have been absent without my knowing it; he scarcely moved but what he woke me up. I know William Henderson; I know his general character to be bad. I know Mr. Holseapple's character is as good as any man's in Colbert County. Henderson's character for truth and veracity is very bad, and would not believe him on oath. I slept two nights at Mr. Holseapple's mill, with him; the nights of the 15th and 16th. The reason I left the mill before daylight is that it might not be known that we were sleeping there, as we wanted to catch the thief.

Cross-examination:

I slept at the mill other nights; went to the mill and left home between 8 and 9 o'clock, just after the 8 o'clock train passed Cherokee; about 10 o'clock when I laid down; about a long mile from where I lived; I have staid about five nights altogether; cannot tell the dates of the other nights; no one at the mill that night but Holseapple and myself; we both started from the mill together. I rode a black horse to the mill. I have known Henderson since four years ago; was drunk when I first saw him; do not know him to have ever been indicted. He had a case against Wm. Malone, and one at Tuscumbia. Know him to have a difficulty with Mr. Horton and Mr. Woodfin, about lies being told; his character is bad, as every one considers him a very mean nigger. Mr. John Campbell caught him stealing; saw my brother that night; he was at home when I got there. I went in and went to bed; had not slept much all night; one room to the mill.

RALTEN: Was after daybreak when I got home. I could not say that he was there when I got there.

COMMISSIONER: I fix the date of my sleeping at the mill by Mr. Holseapple's bringing some fruit-jars and told me to send them up to his place on his wagon. My books show the date of the 15th to be the purchase of those jars; and that night I hired a livery-horse and went up there. I am certain it is the same night of the day of the purchase of those jars that I slept at the mill.

R. M. LINDSAY.

GEORGE RUTHERFORD: Live in Colbert County, twelve miles south of Cherokee; know Mr. Duce Lindsay. On the 15th of the last August I was at Mr. D. Lindsay's; staid there the night of the 15th; slept with Duce Lindsay in the side room by the counting-room; went to bed between 9 and 10 o'clock; slept with him in the same bed; it was about day-light when I woke him up; I was awake once during the night and Mr. Lindsay was in bed then; do not know how far from there to Newport. Mr. Neal Garmin slept there that night; was staying at Mr. Lindsay's ever since the 5th August; slept with him every night up to the time he came to Huntsville, except on Saturday nights. I slept in same bed when he came to Huntsville. I am not acquainted with Henderson; his character in the neighborhood where I live is a bad reputation. I do not think he has a good character as a truthful and a responsible man. I am certain that I slept there on the 15th. Mr. Holseapple and Mr. Malone—have not been acquainted with them long. Mr. Lindsay has as good a character as any man within my knowledge in that county. Mr. Holseapple's and Mr. Malone's characters are the same, as good as any man. I do not think I would believe Henderson on oath, from a knowledge of his general character; his reputation is bad, from good authority. Mr. Garmin slept in an adjoining room; had slept there three or four nights.

Cross-examination:

I live twelve miles from Cherokee; live in Colbert County; went there on the 5th; am working there. I slept every night, except Saturday nights, in the same bed with him up to and after the 15th. Do not know what time I woke up. Went to sleep again and did not wake up until about daylight. Had no horse there. I was not out myself that night. Heard of Henderson's character before this affair. He lived at Allsborough awhile with Mr. Harris. I was not acquainted with him then. It was some two years ago. I heard Mr. Harris and others, I do not remember, speak of his character. Mr. Woodfin, for another; Robert Woodfin.

GEORGE S. RUTHERFORD.

NEAL GARVON: I live in Iuka, Mississippi. Have been in Colbert off and on since August 10. Worked there on the night of the 15th. I slept in Mr. Lindsay's back room. Mr. Duce Lindsay and Mr. Rutherford slept in side room. The door was open all night. Went to bed between 9 and 10 o'clock, as near as I can remember. Mr. Duce Lindsay went to his room and pulled off his clothes. I got up next morning at

good daylight, and he was there then. I was going out of the window when they were putting on their clothes. Do not know how far it is to Newport. Do not know Henderson. Know nothing of his character. Knew Mr. Lindsay and Holseapple four years. I have not known any harm or anything wrong about any of them. They are just as respectable as any men in Colbert County. I saw Mr. Duce Lindsay and Mr. Rutherford putting on their clothes on the morning of the 16th. I saw them through the door as I went to the window.

his
NEAL + GARVON.
mark.

Witness: JAMES M. EDGAR.

ALEXANDER MALONE: Live in Colbert County; am the father of William Malone; and have known Mr. Holseapple and Mr. Lindsay for several years. Their character is as good as any man in Colbert County. From my knowledge of William Henderson, I would not believe him on oath. William Malone lives in the same house with me. On the night of the 15th August William Malone was at home. Generally go to bed at 8 or 9 o'clock at night. His little boy was very unwell at that time, and he and his wife were frequently up during that night. I heard them talking. There was a hall between our rooms; do not remember it particularly that night. His child was in such a condition that it required attention during the night. From Lindsay's store to Newport it is little over six miles; from my house, Newport, two and a half miles; to Calvin Goodloe's, three miles. I am satisfied that it was before and about and after the 15th his child was sick and required attention. He would have to come into the hall to pass from his room. The bolt makes a great deal of noise, and has waked me up frequently.

Cross-examination:

Have no particular recollection that night about going to bed. Hall between my room and his. There are windows in the room that went outside. I have known Henderson since January or February twelve months ago. He came to my house to work, and worked until Christmas. Had a difficulty with my son in getting to a settlement. Henderson is a bad character. Often heard men speak of his character.

ALEX. MALONE.

JAMES CARTER: I live at Mr. Malone's—Mr. William and Samuel Malone's. Lived there nearly two years. Was in Mr. Malone's yard on the 15th August. Remember the night when Henderson was taken out. Went to bed between 9 and 10 o'clock. Got up half an hour before day. Was up two or three times. Heard the dogs barking and making a good deal of noise. I have charge of the horses. Had them locked up during the night of the 15th; had the key in my pocket. Saw Mr. Malone about midnight; saw a light in his room; saw him in the room, waiting on his child, about midnight; saw him when I got up; he was still there. His child was still sick; sick afterward. I worked on the road once with Henderson. He spoke of some men being great enemies of his, and he was going to have spite out of them. He mentioned Mr. Malone's name as one. Henderson's character is not very good, from the way he has acted with me and others. He is a man that don't like to see others do well. He stands well with some of his own people, and with others he don't. Heard him talked about a great deal.

Cross-examination:

Live at William Malone's; have had no difficulty with Henderson, except some cross words once. I have heard him having difficulty down below "Fossick Square" with some men. I have no prejudice against him; never carried a pistol for him or any other man. Remember particularly that on Tuesday night was up at midnight; the dogs kept up such a barking in the lot that I thought that there was something going on. I found a strange dog was what they were barking at. He came to my room and asked for the key to get his horse, as he was going to town. I learnt on Sunday that night was the 15th August. I am always asking questions in regard to the day of the month. I got up on Monday morning an hour to day. Did not tell Mr. Henderson that Mr. Malone had given me a bottle of whisky to raise a fuss with him; did not tell it to him working on the road. Did not tell him that he had given Jack Dement and Charles Hamilton some cigars before Mr. Newsom's.

his
JAMES + CARTER.
mark.

Witness: JAMES M. EDGAR.

WILLIAM MATHEWS: Live in Colbert County; live at Mr. Newsom's. Know William Henderson; had a conversation on the road; heard him say if he could get a party of men like himself and kill out all the God damned white men and yellow niggers, the State would be better than it is. Albert Goodloe was there. Henderson has

got no character with either white or black. From my knowledge of his general character, I would believe nothing he would say.

Cross-examination:

Albert Goodloe, and Smith, Frank Taylor, (white man,) he worked at Mr. Rankins's. These are all I know heard the expression. Think there were twenty-five or thirty men that heard that; can't remember the names of any others; Joe Greenhill was not there; Wash. Newsom was not there; Frank Davis was there working in the party; it was spoken on Wednesday, the same day that Henderson and Smith had made up a plot to strike me with a pick. I worked with the white men. This was between Mr. Holseapple's and Mr. Newsom's places. I was passing by on a horse at the time, carrying it to the overseer of the road, who was up at the head of the men.

his
WM. + MATHEWS.
mark.

Witness: JAMES M. EDGAR.

MARION MATHEWS: I do know William Henderson's character. Do not think he is under good character. Would not believe him on oath.

Cross-examination:

I don't know as I could name any particular persons that spoke of his character: it was his conduct—his chat principally—what he said about other people. I have heard it said through the county that he was a bad man. Heard Mr. Campbell say so. From what I have seen myself, I would not believe him. Have heard him speaking of Mr. Goodloe in rough ways. I am acquainted with the character of defendants; their character is remarkably good—as good as any man in Colbert County.

M. F. MATHEWS.

Mr. WOODFIN: Live in Colbert County; know defendants; know them to have a remarkably good character. I have seen Henderson; his character among the negroes was very bad, especially on my place and Mr. Alexander's place; they came to us and requested us not to allow him on the place, as he was a villainous liar; would not believe him under oath. I live two miles from Allsborough. His character here among white and black is very bad.

Cross-examination:

Never had him employed; he came out to my place some five or six times, until the negroes requested me to make him quit coming there. He tried to hire to me; he was then living at Mr. Harris's; he said Mr. Harris was giving him $12; I offered him the same; Harris told me that he said that he was offered $15.

ROBERT WOODFIN.

Mr. HORTON: Live in Colbert County, and am not acquainted with Holseapple and Malone, but know Mr. Lindsay for many years; his character is good. I know Henderson; known him from 1869; his general character is bad among both black and white; would not believe him on oath.

Cross-examination:

He lived at my house; he lived with me; he staid there about four months, or a little longer; run off every two or three days; tried to do him some good; when he left the neighborhood for good I never heard of him until I met him on the railroad.

his
AZARANA + HORTON.
mark.

Witness: JAMES M. EDGAR.

M. A. CAMPBELL: I live in Colbert County, in the Northens, six miles from Cherokee; know the defendants; know their general character; it is remarkably good; know William Henderson two years last April; know his general character; it is remarkably bad; would not believe him on oath.

Cross-examination:

I live four miles from where he did live; think Henderson came to our house in April or May a year ago; never heard of his being sworn in court; he seemed to have a falling out with all the blacks; to row a skiff from the middle of the river to the bank, and fasten it, would probably take ten or fifteen minutes, suppose the river to be half a mile wide.

M. A. CAMPBELL.

DOCTOR DEMENT:

Question. How long would it take a man to drown under water?

Answer. A minute or a minute and a half; I think it would be impossible to stay under water ten minutes and struggle out.

HUNTSVILLE, ALABAMA, *October* 9, 1871.

JOHN CALVIN GOODLOE sworn and examined.

By the CHAIRMAN:

Question. State your place of residence?

Answer. Colbert County, Alabama. My post-office is Barton, Alabama.

Question. Are you acquainted with a colored man of the name of William Henderson?

Answer. Yes, sir.

Question. Did he ever live upon your place?

Answer. He did.

Question. At what time?

Answer. From the 9th of February to the 13th of August, 1871.

Question. You may state what was his character for truth and veracity.

Answer. I have testified, as I am willing to testify now, that he was an ordinary negro of common character—neither remarkable for veracity, nor did he have—— well, he never told me a lie in his life, that I know of. I took him to be a negro of ordinary character.

By Mr. BECK:

Question. Your testimony (referring to the record attached to the testimony of L. W. Day, on trial of Holscapple, Malone, and Lindsay) was: "His character is as good as ordinary negroes. From all I have heard speak of him, I consider his character like that of any other negro."

Answer. That is it.

By the CHAIRMAN:

Question. How is his general moral character?

Answer. It was average. It was not bad, so far as I know.

Question. Was he an industrious man?

Answer. He was a very industrious man to labor—one of the best hands I had hired. That was his character in that neighborhood.

Question. State whether you are acquainted with M. A. Campbell, sometimes called Dick Campbell.

Answer. Yes, sir; I know Dick Campbell very well. He lives within six miles of me.

Question. State whether you refer to the same Campbell who was called against Henderson to prove his bad character on the examination held before Mr. Day, the commissioner.

Answer. The same Campbell.

Question. What have you heard Mr. Campbell say in relation to Henderson's character as a moral man, or as a negro?

Answer. I heard Campbell make this remark: "You have got Henderson?" I said, "Yes, I have hired Henderson." He said, "He will make one of the best hands you ever had. He is one of the best hands I ever had on my place, but he is a great rascal," or "he is a great runabout." That was the word.

Question. What do you know in relation to any outrage being committed on Henderson about the 15th of August, 1871, by a band of disguised men?

Answer. I know nothing of a disguised band doing anything to Henderson. I am satisfied from the circumstances and evidence that I saw that Henderson was Ku-Kluxed, or dealt very roughly with, but I did not see who did it. I do not know whether they were disguised or not. I did not see the party. I only saw the signs of the damage.

Question. I will ask you to state to the sub-committee whether you saw Henderson upon the morning succeeding the time when it was alleged that he was Ku-Kluxed.

Answer. Mr. Chairman, if you will let me state the circumstances connected with it, I think it would be more satisfactory to the committee.

Question. Very well, proceed in your own way.

Answer. There is a good deal to make you understand it, that would, perhaps, be useless, but I will start at Tuesday morning, on the 15th. Henderson came to me and told me that his wife had come to my house to work. I told him to take his wife and go away; that she was annoying me. I was in the act of moving off, going to Tuscumbia, on horseback, and I came back. He told me he would take my advice; that his wife had given considerable trouble, and would go to Eastport, Mississippi, and go out of the State. I told him I would settle with him in the morning—it was late then. He went off, as I thought, to fix up before going away. I came out on my porch about 11 o'clock; the clock had struck before I left the room. It was a warm night. Henderson came up to the door, and said: "Master, if you are willing, I will not go away; Patience has got me away from several homes, and this is the best home I ever had; I will go to Doctor Cross, and get her to come and get her things and go away." I told him she could stay, but I said to him, "You are in danger of being Ku-Kluxed." Some of these parties, accused since of Ku-Kluxing him, had threatened his life, he stated, and he had had them

bound over to keep the peace. I told him I thought he had better go away, but he might stay. He was a good hand and got very reasonable wages. He came after crop season commenced. I said, "You take the Nellie mule and go to Doctor Cross, and tell him to come and see my little child, and bring your wife. You can ride the mule." He went off to his room. At 4 o'clock in the morning I waked up; sent out a little boy to see if Henderson had made for the Doctor's. He reported that he had been gone a long time. It occurred to me that Henderson had taken my mule and had her hitched out all night. I sent to know when he went. The old man where he lived said, "two or three hours ago." I did not think anything more about it until nearly sunrise, when Henderson came in near where I was working in my garden. He came up back of the garden. He was entering the yard, and was attracted to the garden by me, and motioned me to come out. I thought he had some message from the doctor. As soon as I got up to him, I saw that he was perfectly wet and looked very badly—as though he had been badly drunk or drowned. I asked him where the doctor was. He said "Don't you know the men carried me away last night?" I told him "No." He appeared astonished. Without saying a word more, I called a little boy, and told him to take my horse and go for the doctor, and tell him during the day to call there. Then I returned to Henderson, and said, "Don't you tell me no cock and bull story. If you have been thrown into the river, give me the evidence. I know the place, and I will see." He said he could do it. That was a very dusty time of the year. He told me I could see his tracks from his house in my yard down to the corner of the orchard. He said they started west there, and concluded to go to the railroad south to where they stopped for a palaver, and he said I could see the tracks there. He said there were five men, he being the sixth; that on the road to the river I could see the tracks though there was much travel on it. He told me that at a quarter on my place, at Ragin's house, where they drank whisky, they spilled it, and cursed about the spilling. He said, if I went on to Newsome's well, I could see the sign again, and after I had passed his gin-house I could see the tracks to the south-west corner of Newsome's field, where the four horses were hitched; that they had two horses that dunged while he was there, and they had built a little fire as big as this, (he showing by his hands, as if holding it in his hands.) He said that four got on the horses there, and one walked behind holding the rope that he was tied with, and went to the Newport road. He said that on the first corner of the fence, on the Newsome side, where the briars give out they stopped and pushed him on the fence, crossing it. He said that if I would go on to the river, I could see where they put him in a boat, not a dug-out, but made of plank; that they poled him up the river with a long stick that had bark on it and that was crooked; that, about one hundred yards above the mouth of the creek that entered into the river, I could see where he came out by a log on the bank and puked. He also stated who saw him coming home, a Mr. Brown. I got my breakfast soon after, and without saying to him that I was going, I went to the river in the first place and saw tracks. I could tell his track, for he was barefooted. I could see his track where he came out of the water for ten feet under the water. I could see the print of his fingers and his knees in the mud as he came out on all-fours. I saw where he fell down on the bank. There was the impression of the cloth seams of his breeches. I could see where he had moved a little up the bank and puked. There was the evidence there on the ground. He had thrown up considerable amount of watermelon seeds and peach-peelings. I followed his track homeward and around. I found the tracks at the well, at the corner of the orchard, found the horse tracks, the hitching-places, the dung, the little fire, the place where they put him on the fence, and had moved the top rails in doing so. I saw the dust on the rails, which looked like a barefooted person had stepped on the fence, and at the river, at the mouth of the creek, there was a crooked pole with bark on it. I then came home and told him to get away as soon as he could, for I knew he would be killed if he did not, as these men had been satisfied that they had finished him.

By Mr. BUCKLEY:

Question. Did you see any marks of the rope on his person?

Answer. Yes, sir; there was an indentation in his left arm, showing that a third or half of the rope had been buried in it; and he was a bony negro too. He said his hands were tied behind him, but he thought he got loose through his hands. The mark on his right arm and wrist looked as if it was made by rolling—as if it had been made by the rope rolling. There is no doubt, in my mind, of his having been put in the river. The signs of which he had told me were found exactly as he stated. I never saw anything so completely perfect in my life. I asked him how he had come to notice things so particularly, and he said they had, when they called him, asked him to go out and hunt Cater, who had killed a man, and they made out they were trying to find him; that they afterward said, when they got him down there, that they were going to put him across the river, but not hurt him. He said he did not then think that they would hurt him; that he thought about it all the time, and noticed them particularly. He said they drank; that they had vails over their faces, and they put up their vails fre-

quently to drink; and that they lighted their cigars in his presence with lucifer matches. He did not state then, but when I came back he told me, who they were. I did not think to ask him at first who they were. I am satisfied I heard them when they took him off. It was between 1 and 2 o'clock. I heard them knocking there, but I thought that it was him fixing up his wife's plunder. It did not attract my attention. I learned afterward, from the old man who was there, that they did make a noise.

By the CHAIRMAN:

Question. How many of the parties did he identify?

Answer. Three positively.

Question. Who were they?

Answer. James Holseapple, William L. Malone, and C. C. Lindsay—commonly called Duce Lindsay.

Question. Did these persons live in that neighborhood?

Answer. Yes, sir; near Cherokee.

Question. Had he had any trouble with William Malone?

Answer. Yes, sir; he had caused William Malone to go before the justice of the peace to make a settlement with him for his last year's work, and William Malone had threatened him, so he stated, and he had William Malone bound over to keep the peace.

Question. Did he describe what they did with him when they took him into the skiff in the river?

Answer. Yes, sir.

Question. State to the committee all that he said on that subject.

Answer. He said that one went into the skiff first. They made him get in second. There was one behind and two before him—three in the skiff; that they poled up two or three hundred yards and then out. It was in the night, and it looked to be pretty nearly half-way across, when one said, "I am tired of pulling the skiff; let this damned nigger wade across; it is shallow;" and with that the captain told them to heave him out, and they heaved him out, with his hands tied behind him and the rope on his left leg.

Question. Did he say anything about a paddle being put on him?

Answer. Yes, sir.

Question. You may state what he said.

Answer. He said he commenced begging them not to throw him out, but one of them threw him out, and put a paddle on his neck and sunk him; that he went down, and when he rose he could not see them; that he heard them talking, and saw them on the bank.

Question. Who did he say was the captain of the party?

Answer. I do not remember. I think the captain was one he did not swear to positively—did not identify. I do not know that I asked him that question—I do not remember.

By Mr. BUCKLEY:

Question. Is the water deep there?

Answer. Yes, sir. The men who took him out knew when they took him to the deep channel. The steamboat channel is out about two hundred yards or more. In the middle he could have waded; in fact, he could have waded out by himself within the width of this house if he had known the way; but there is a bar about two hundred and fifty yards from the mouth of that creek, and there is deep water. It is twenty feet deep in places.

By the CHAIRMAN:

Question. Was it that deep in the place he describes as where he was thrown in?

Answer. Yes, sir; ten or twenty feet deep, I would say. It is where we fish with the trot-line, which you know, Mr. Beck, is always in deep water.

Question. Did you ever tell Mr. Day, the commissioner, that negroes had no souls?

Answer. Not to my recollection. I do not remember it. I have seen some that I thought had very little, and some I thought had more than some white men I have had, a great deal.

Question. Did you ever make that remark to any one unless in jest?

Answer. Never in my life. It is not my belief, if it is so reported as expressed by me.

Question. I will ask you to state if you are acquainted with a colored man named Jordan Wright?

Answer. Yes, sir.

Question. What, if anything, do you know of your own knowledge, or from knowledge derived from others, in relation to his having been whipped in December or January last?

Answer. Well, I know Jordan Wright. He was raised by me. He taught a school at Cherokee last fall and winter, and I know from general report that he was whipped

by men in disguise and made to leave the country. That is what everybody says, and what his brother told me. I have never seen the negro since.

Question. How many were said to have been in the band?

Answer. His brother told me there were twelve or thirteen, and another negro, who went to his house, told me there were seven.

Question. What was Jordan Wright's alleged offense for which he was whipped?

Answer. The alleged offense was that he taught school, I think, and they did not want him to teach a school. Some boys had hid the key to his school-house, and he reported to the school commissioner that they had locked up his school-house, and he could not get in. They reported he was impudent in doing this. He told me that was all he had said. The superintendent had told him to go back, and when he got back he found they had put the key in the door. That is the only difficulty I ever heard of.

Question. What sort of a colored man is he?

Answer. A very respectable colored man; as much so as any I know. He was raised right in my neighborhood.

Question. In what neighborhood did this occur?

Answer. Thirteen miles west of Tuscumbia, on Limestone Road, in Colbert County.

By Mr. BECK:

Question. What was the date?

Answer. Last winter, about Christmas.

By the CHAIRMAN:

Question. You say he left that neighborhood, and has not been back to your knowledge?

Answer. He left, but he has been back. He disappeared until recently. He is now in Tuscumbia, at his brother's, near my place. He has been working on an island. I asked his brother why he went there. He said he did not want to be seen, and he went there to work. His mother lives there. The impression was that he had gone to Mississippi, or somewhere else.

Question. Do you know, of your own knowledge, or are you informed, of any other violences committed by men banded together within the last two years, in your section of the country?

Answer. I think not. I know of none as disguised men, or men banded together at night. I cannot think of any.

By Mr. BUCKLEY:

Question. I believe you have planting interests?

Answer. Yes, sir.

Question. What effect upon the labor of your community do these outrages have?

Answer. It has had, in my honest opinion, a good effect in my immediate locality, because the negroes have behaved better there than anywhere I have ever heard of, or better than could be expected. I have thought they were intimidated by this thing at the start, and that was, perhaps, one of the causes of it. The status of the negro in my neighborhood, in my opinion, is better than it is anywhere else. They are working well and are treated well, and are not afraid of anybody, I think. I do not think they are afraid of being Ku-Kluxed.

By the CHAIRMAN:

Question. Do they generally vote at elections?

Answer. Yes, sir. They have not voted in the last two elections much. I went to the election on purpose to see. I went for a motive; I wanted a friend elected, and I went in order to try to get some votes for him. I attended that precinct, and the negroes did not vote, but they told me, when I tried to get them to vote, that it was not from intimidation that they did not vote; that they were not afraid, but they did not know what they were voting. Some of my own negroes told me so. I owned a good many before the war. I wanted them to vote for a man for sheriff, and I thought they were afraid when they would not do it, but they said they were not; they did not understand what they were voting for. If the negroes are intimidated by the Ku-Klux there now, they do not express it. I think the hanging of three negroes in Tuscumbia, three years ago, had the effect to intimidate them; but in Tuscumbia, now, they vote to a man.

Question. Would not such cases as William Henderson's and Jordan Wright's naturally intimidate them?

Answer. No, sir. I think they looked upon that as a personal difficulty between these men and Henderson. I think the negroes so looked upon it.

By Mr. BUCKLEY:

Question. To settle that personal trouble Henderson resorted to law?

Answer. Yes, sir.

Question. And had these parties bound over?
Answer. Yes, sir.
Question. Before whom?
Answer. Before Squire Green, of Tuscumbia, and one of them went up voluntarily, without any evidence, and submitted and gave bond. He said he was guilty, and had been wrong, and submitted a bond, so I understood. I was not there.

By the CHAIRMAN:

Question. Do you know of any cases of conviction and punishment for outrages by men banded together and disguised in this section of country?
Answer. I do not, in my section.

By Mr. BUCKLEY:

Question. You have heard, have you not, of other cases in this section of the State, where disguised men have taken out parties and whipped them at night?
Answer. I have heard of one case recently that occurred in Limestone County, the only case I can think of now.
Question. What case?
Answer. It is a case in which a man named Sam Moore was put in jail here.

By Mr. BECK:

Question. Weir's case?
Answer. Yes, sir; I know Weir, when I see him.

By Mr. BUCKLEY:

Question. Speaking of your schools in that section of the State, do not the planters there generally favor schools for freedmen?
Answer. Yes, sir.
Question. And who is it that opposes these schools?
Answer. A rabble of trifling men.
Question. What kind of men?
Answer. Poor whites, the negroes call them. They thought the negroes would get on an equality with them if they went to school. The intelligent men have built school-houses several times, and encouraged them.
Question. The planters find it to their interest?
Answer. Yes, sir; and if it was not to their interest, they would not throw obstacles in their way; the community there want schools, negro schools particularly; that is, the good part of the population do.
Question. Have you heard of any other schools being broken up?
Answer. No, sir. There is a trifling negro there, with not as much sense as a ram, teaching a school, and he is unmolested; a negro that gets drunk and runs about, and is generally trifling. On account of this outrage the people have turned the other way. As to Ku-Kluxes going about, pretending to be Ku-Klux, in my own opinion there is no Ku-Klux.
Question. Do you think that an organization of that kind did exist in this portion of the State?
Answer. I think it did, three years ago, and the best people of the country were in it.
Question. You think it has been disbanded?
Answer. Yes, sir; for two years or more.
Question. And bad men use that to rob and commit depredations?
Answer. Yes, sir; to gratify personal grievances and spite.
Question. You have no difficulty in executing the law here?
Answer. No, sir. In my opinion, as to Ku-Kluxing, a very sorry class of people get into it, and they will swear a lie to prove anything they want to.
Question. You think they are bound together by an oath?
Answer. Yes, sir; but I do not know about their oath myself. The people are as much disposed to enforce the law in North Alabama as in Massachusetts, in my opinion; that is, the bone and sinew of the country.
Question. But there is a difficulty in identifying parties who commit crime in the night and in disguise?
Answer. Yes, sir; and would be if there was never a Ku-Klux.

By Mr. BECK:

Question. Have you been connected with the court as foreman of the grand jury lately?
Answer. Yes, sir.
Question. What was your experience in the investigation before the grand jury, as to the condition of your county?
Answer. I have been foreman of a grand jury twice, four courts back, and the last

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